THE POLITICAL CULTURE OF FREE PEOPLE OF AFRICAN DESCENT IN EIGHTEENTH-CENTURY NEW GRANADA (1750-1810)

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ABSTRACT

This dissertation is a study of the lives and political culture of free people of African descent in eighteenth-century Colombia. It explores the ways in which free people of African descent interacted with the Hispanic monarchy institutions and how these interactions shaped their conception of their membership in the body politic and constituted themselves as political subjects. I analyze the ways in which these subjects were incorporated to the Monarchy, how they understood, claimed and negotiated this membership, and how, in this process, they forged their own political notions.

I pay attention to the different repertoires of actions of free people and analyze the different ways in which they manifested discontent and participated in politics. Chapter 1 offers an overview of the population of free people in eighteenth-century Colombia. Chapters 2, 3, and 4 delve into three different groups of free people, traders, fluvial workers, and urban and rural poor. Chapter 5 explores participation free people of African descent in one of the largest upheavals of the colonial era, the Comunero revolt.

I argue that the corporative and jurisdictional nature of the composite Hispanic monarchy had enduring effects on the ways in which free people of African descent imagined and framed their relation to the state. Free vassals of African descent were not allowed a corporate existence as indigenous group. However, through their continued engagement with legal institutions, they carved out a political place for themselves, that was informed by the corporative and jurisdictional culture.

This research recasts previous interpretations of the Age of Revolutions that read free people's political participation mostly through the lens of political modernity and assessed their ideas and actions in terms of their commitment towards legal equality and

freedom. Modern ideas of equality and freedom were instrumental for free people, but they were deeply entrenched with notions of privileges and corporate and jurisdictional difference. This explains the fragmentary nature of their political participation in the first years of the Republican life.

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INTRODUCTION

Politics and Blackness in the Early Modern Spanish Empire

One by one, every *relación de mando* written by the viceroys of the New Kingdom of Granada[1] between 1749 and 1810 reflected on the "sad state" of its population and blamed its inhabitants for the belated economic development of the viceroyalty. The *relación de mando* was a report intended to summarize the administration of each viceroy and provide his successor with a road map of the most urgent matters of governance. Each New Granada's viceroy dedicated several pages to this topic, insisting how *gente libre*[2] -free people- were rapidly increasing and becoming the majority of the population. Maybe the most eloquent of all reports was the one left by Viceroy-Archbishop Antonio Caballero y Góngora (1782-89). Known as "The Enlightened Viceroy," he wrote to his successor in 1789 that even though New Granada could be a wealthy viceroyalty, for it had countless fertile lands and was abundant in commodities, its inhabitants could ruin this possibility:

> The majority of the free inhabitants (*habitantes libres*) comprise an idle and loose population, who, forced by the tyranny of the landowners, migrate easily because of the little weigh of their furniture, the short loss

[1] New Kingdom of Granada (*Nuevo Reino de Granada*) was the name by which most of the territory of present-day Colombia was known during the colonial era. During the sixteenth and seventeenth centuries, it mostly referred to the territory under the jurisdiction of the *Real Audiencia* of Santa Fe (present-day Bogotá). In the eighteenth century, after the creation of a viceroyalty that included the territories of present-day Ecuador, Panama and western Venezuela, this name became to represent the new political entity. New Granada, on the other hand, was a name coined only until the end of the eighteenth century, however, for practical purposes and because this is name by which is known among English-speaking historians, I will use the abbreviated way New Granada in this dissertation.

[2] "Gente libre" is the term by which most of the officials of eighteenth-century New Granada referred to what we now termed free people of African descent. It is important to note that, according to the regional context, this term sometimes included people of Indian descent, such as *mestizos*. For the area on which this dissertation focuses, however, it mostly referred to men and women of African origin or descent, who, according to the colonial terminology, were termed blacks, *mulato*, and *zambo*. In this dissertation I will use free people and free people of African descent as interchangeable terms, but always keeping in mind that the former was a term whose meaning varied regionally and sometimes included mestizos. The historical meaning of these categories and the epistemological and methodological challenges the study of free people in the Spanish Empire entails will be further discussed in the following pages.

> of their shacks and the inexistent love for their baptismal font. They care little about the place they are going to die or they were born, and they find, in any place, the same things they left. They eat little and with imponderable rudeness; yet they do not follow the same restraint with the drinking. They are prone to games, dances, and devoted to idleness favored by the richness of the country, … and regardless the overall augmentation of the population, the only one that grow is this group of **useless vassals**, that are precipitously falling into the same barbarian state of the first inhabitants [of New Granada]." [3]

Caballero y Góngora's words clearly illustrate the historical processes within which the lives of free people of African descent unfolded in the Spanish Empire generally, and in New Granada particularly, during the second half of the eighteenth century. First, imperial officials were well aware of the general increase of the population and the particular growth of free people by the last quarter of the eighteenth century. The first general census of the viceroyalty, taken in 1778, indicated that New Granada had 800,000 inhabitants of which 430,000 were classified as "free of all colors" (*libres de varios colores*). From that point on, every report and description stressed this as the main characteristic of New Granada's population. The growth, disorder, and undesirable mobility of free people, then, occupied a central part in the portrayal the viceroys produced and conveyed of the viceroyalty. [4]

Secondly, Caballero y Góngora' words expressed the ambivalent and paradoxical ways in which imperial officials perceived free people. On the one hand, they were recognized as a great source of labor for agricultural work and as potential arms for the defense of New Granada. On the other, they were seen as lazy, idle, itinerant, and

[3] My emphasis. See: Antonio Caballero y Góngora, "Relación del estado de Nuevo Reino de Granada," in *Relaciones e informes de los gobernantes de la Nueva Granada*, ed. Germán Colmenares (Bogotá: Banco Popular Bogotá, 1989), 1: 410-411.

[4] These figures and most of the demographic data I use in this dissertation is taken from the first general census made in 1778 and published by Hermes Tovar, *Convocatoria al poder del número: censos y estadísticas de la Nueva Granada, 1750-1830* (Bogotá, Colombia: Archivo General de la Nación, 1994), 63-64. Regarding reports and descriptions that stressed the growth of free population see Germán Colmenares, ed., *Relaciones e informes de los gobernantes de la Nueva Granada* (Bogotá: Banco Popular Bogotá, 1989).

quarrelsome people, prone to alcoholism, excessive celebration and dancing, with no attachment to any place and disobedient of both temporal and spiritual authorities. The attitudes of the authorities oscillated between these two poles, but most of the time leaned towards the latter.

Finally, and in close relation to this ambivalent image, Caballero y Góngora's words also reflected the highly ambiguous legal and political status free people of African descent enjoyed within the Hispanic monarchy. By the eighteenth century they were certainly considered vassals of the king, but useless ones. African slaves and their free descendants were recognized as members of the monarchy and vassals from early on, and as such, were supposed to have certain rights and obligations.[5] However, not being recognized as a corporate group, as were the indigenous communities,[6] not being under the authority of an

[5] Historians now agree that African slaves gained the status of vassals of the Hispanic monarchy early on, but as historian Ann Twinam rightly points out in her most recent work, it is not yet clear how they gained it. Recent research suggests that African enslaved people and their free descendants played a key role in carving out the status of vassals and the acknowledgement of rights by and for themselves. Sherwin Bryant has shown, for instance, how slaves became aware of Spanish legal institutions' workings and learnt that loyalty and services to the king could be rewarded with rights. See: Sherwin Bryant, *Rivers of Gold, Lives of Bondage. Governing through Slavery in Colonial Quito* (University of North Carolina, 2013), Ch. 4. Marcela Echeverri, on the other hand, has argued that even though Africans were not granted a corporate identity, they developed a "keen sense of their potential for acquiring rights" and acted as if they were indeed vassals. Marcela Echeverri, *Indian and Slave Royalists in the Age of Revolution: Reform, Revolution, and Royalism in the Northern Andes, 1780-1825* (Cambridge: Cambridge University Press, 2016): 32; and Herman Bennett, focused on seventeenth-century New Spain, has shown that Catholicism and the Church were key in the process of acquiring vassal status. Bennett argues that as Africans and their descendants started embracing Catholic customs and accepting Christianity's tenets, they also acquired rights. Herman Bennett, *Colonial Blackness: A History of Afro-Mexico* (Bloomington: Indiana University Press, 2009): Ch. 1.

[6] Even though twentieth-century historians of colonial Spanish America have indicated that Indians and Africans inhabited different legal worlds, it was not until recently that scholars began to assess the full consequences of this divide. Rachel O'Toole, for instance, shows how even though Africans were recognized as members of the Body Catholic, echoing Herman Bennett's work, they were afforded a much more limited corporate location than Indians that allowed for a less direct entry. Marcela Echeverri, on the other hand, offers an explanation for the lack of corporate recognition. She explains the implications of Indian's recognition as a corporate group vis-à-vis African's condition, pointing out the fact that Indians were considered to have a natural relation with the American territory while Africans had been transplanted meant that they were not granted political rights in the same way Indians. Echeverri makes a comparative analysis and assesses its consequences for the participation in the Independence wars in New Granada and their inclusion in the political life of the new republic. María Elena Martínez also indicated this difference and characterized it as an antagonistic one. See: Rachel S. O'Toole, *Bound Lives: Africans, Indians, and the Making of Race in Colonial Peru* (Pittsburgh: University of Pittsburgh Press, 2012), especially Ch. 1 and 2;

"known" master as slaves, and being the unforeseen result of slaves' search for freedom, bearing the memory of slavery and "the stain" of blackness, originated a series of spaces and circumstances where the right of free people of African descent to complain before or make claims to the authorities was questioned, discredited, discouraged, or simply denied.

This dissertation is a study of the lives of free people of African descent, focusing on the ways in which they interacted with the Hispanic monarchy, its institutions and its agents, and on how these interactions shaped their conception of their membership in the body politic and constituted themselves as political subjects. I explore the ways in which free persons of African descent were incorporated to the monarchy, how they understood, claimed and negotiated this membership, and how, in this process, they forged their own political practices. In order to do this, I pay attention particularly to the different repertoires of actions of free people and analyze the different ways in which they manifested discontent and participated in politics. This dissertation illuminates how free people participated from and shaped the political culture of the Hispanic Monarchy.

My central argument is that the corporative and jurisdictional nature of the composite Hispanic monarchy had key effects on the ways in which free people of African descent imagined and framed their relation to the monarchy. In the long term, it determined the ways in which they imagined themselves in relation to the state and organized collectively to address local, regional and national governments. Recent scholarship has pointed out the key role of two corporative organizations, the militia and the Catholic

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Herman L Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570-1640* (Bloomington: Indiana University Press, 2003); María E. Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61 No.3 (2004); and Marcela Echeverri, *Indian and Slave*. For Indians as vassals see: Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman: University of Oklahoma Press, 1995) and Steve J. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640* (Madison: University of Wisconsin Press, 1993).

confraternities, in the processes of adaptation of Africans and their descendants to the New Word. This new scholarship is groundbreaking: first, in drawing the attention back to Spanish institutions from the perspective of social and cultural history; second, in bringing to the forefront of scholarly debate the importance of understanding the relationship between Africans, their descendants, and these institutions and; third, in evidencing their role in processes of upward-mobility and identity-formation.[7] This dissertation complements and complicates this literature by arguing that the corporative component of the monarchy was not only an institutional design limited to very specific cases and affecting only some sectors of the colonial societies, but that it was, above all, a way of organizing the broader socio-political experience and imagining the political community and the sense of belonging to it. In this way, the corporative component became a central feature of the political culture of the subaltern groups, informing the ways in which they imagined themselves in relation to the state. They were not just institutions but an integral part of the political culture.[8]

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[7] For the militia see: Ben Vinson, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico* (Stanford: Stanford University Press, 2001) and "Free-Colored Voices: Issues of Representation and Racial Identity in the Colonial Mexican Militia," *The Journal of Negro History* 80 No. 4 (Fall, 1995). For the confraternities see: Nicole von Germeten, *Black Blood Brothers: Confraternities and Social Mobility for Afro-Mexicans* (Gainesville: University Press of Florida, 2006) and "Colonial Middle Men? Mulatto Identity in New Spain's Confraternities," in *Black Mexico: Race and Society from Colonial to Modern Times*, ed. Ben Vinson III and Matthew Restall. (Albuquerque: University of New Mexico Press, 2009). Nineteenth-century Cuba's *cabildos de nación* are another illustration of corporate institutions. See Matt Childs, "Re-creating African Ethnic Identities in Cuba," in *The Black Urban Atlantic in the Age of the Slave Trade*, ed. Jorge Cañizares-Esguerra et al. (Philadelphia: University of Pennsylvania Press, 2013).

[8] In order to make this argument I rely on legal history scholars that have highlighted the need to understand law not as a normative apparatus but as an integral part of culture. Scholars from different historiographical traditions, and from both sides of the Atlantic, including those engaged with such topics as critical legal history, law and empire, and indigenous histories, have been key in articulating this perspective. For a review of European critical legal history see: Carlos Garriga, "Orden jurídico y poder político en el Antiguo Régimen," *Istor. Revista de historia internacional*, 16 (2004); for an excellent example of Latin American legal history see: Beatríz Rojas, ed. *Cuerpo político y pluralidad de derechos: los privilegios de las corporaciones novohispanas* (Mexico: Centro de Investigación y Docencia Económicas, 2007); for scholarship of law and empire see Lauren A. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2002); and for indigenous histories see: Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press,

This is not to say necessarily that all inhabitants of the Indies or subjects of the Hispanic monarchy sought corporative belonging or identification. Corporate organization granted some sectors with legitimate positions from which to make claims to the authorities while at the same time preventing the poor majority from doing so. In the specific case of people of African descent, and in contrast with the indigenous populations, the Hispanic monarchy did not grant a corporative existence in terms of a common origin, *calidad*, or blackness.[9] There were, in consequence, several divisive social and economic factors among people of African descent that disabled any collective action grounded on the terms of blackness. In this sense, some groups of free people were more successful in seeking/gaining corporative benefits than others. However, the corporate and jurisdictional culture of the Hispanic monarchy constituted a common horizon of action for its subjects. It also provided these subjects, especially the poorest, with a diversity of tools they used to make their claims and grievances heard by authorities.

This dissertation, then, explores two different cases or instances where the corporate element was both clearly present and decisive in shaping ideas and actions of free people of African descent and one instance where even though it was not present it did constitute a horizon of action. The first two cases are those of traders and fluvial rowers. These occupations were organized along corporative lines, which had a determining effect on the ways free people engaged with them, saw themselves and related to their colleagues, peers and the authorities. The third case explores the experiences of women and men of the rural and urban poor who worked mainly as artisans and *hacienda* day laborers. In the context of

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2008) and Yanna Yannakakis, *The Art of Being In-between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham: Duke University Press, 2008).

[9] These terms will be further discussed in the following pages. Recent scholarship that focuses on both Indigenous peoples and people of African origin and descent, have precisely indicated how enslaved peoples "constructed their visions of freedom by drawing from the example of Indianness." See: Echeverri, *Indian and Slave*, 7; O'Toole, *Bound Lives*.

the Hispanic monarchy, these artisans and laborers were denied access to corporative organization, however they claimed identifications[10] or "legal locations"[11] and found ways of acting as "free subjects," "poor subjects," and finally as peers with the slaves, to manifest their grievances to the authorities and to carve out a place for themselves in the body politic.

Politics and Political Culture in the Early Modern Hispanic World

Scholars of the Age of Revolution have been especially interested in the engagement of people of African descent – both enslaved and free – with politics in Colonial Latin America. Their debate revolves around efforts to determine whether or not free people formed discrete communities, what kind of identities they built, if these identities led to collective political participation, and, if so, whether or not they aligned themselves with slaves.[12]

In Colombia, scholars specializing in late colonial and early republican periods have addressed this set of questions over the past two decades. Three in particular— Alfonso

[10] I use the term identification instead of identity, for further explanation on this choice see the following sections.

[11] I borrow the term "legal location" from Rachel O'Toole, who uses it to refer to the legal categories applied to Indigenous and enslaved peoples and their descendants, that provided access to royal protection or elite concerns, and that worked as markers of legal distinction that implied a different set of rights and obligations. In this sense, I use the term as interchangeable with legal identifications. Both terms allows me to emphasize that the subjects of the monarchy related actively with these legal categories, giving them new meanings and using them strategically. See O'Toole, *Bound Lives*, 1, 5-6, 14.

[12] Alfonso Múnera, *El fracaso de la nación: región, clase y raza en el caribe colombiano (1717-1821)* (Bogotá: Banco de la República, 1998); Aline Helg, *Liberty & Equality in Caribbean Colombia, 1770-1835* (Chapel Hill: University of North Carolina Press, 2004); David Sartorius, "My Vassals: Free-Colored Militias in Cuba and the End of Spanish Empire," *Journal of Colonialism and Colonial History* 5 No. 2 (2004); Steinar A. Sæther, *Identidades e Independencia en Santa Marta y Riohacha, 1750-1850* (Bogotá: ICANH, 2005); Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution, Colombia 1795-1831* (Pittsburgh: University of Pittsburgh Press, 2007); Marcela Echeverri, "Popular Royalists, Empire, and Politics in Southwestern New Granada, 1809 – 1819," *Hispanic American Historical Review* 91 No. 2 (2011) and from the same author Indian and Slave; Lyman L. Johnson, *Workshop of Revolution: Plebeian Buenos Aires and the Atlantic World, 1776-1810* (Durham: Duke University Press, 2011); Jane Landers and Barry Robinson eds. *Slaves, Subjects, and Subversives: Blacks in Colonial Latin America* (Albuquerque: University of New Mexico Press, 2006); Peter Blanchard, *Under the Flags of Freedom: Slave Soldiers and the Wars of Independence in Spanish South America* (Pittsburgh: University of Pittsburgh Press, 2008).

Múnera, Aline Helg and Marixa Lasso— brought these topics to the forefront of the scholarly debate.[13] Even though they are still arguing over the significance of race as factor in shaping the identities, actions and claims of free people, they all have demonstrated free people's active and decisive role during the independence of Caribbean New Granada and in the political life of the new republic.

Notwithstanding, these authors' overriding interest in the Independence process has led some of them to read politics of the last quarter of the eighteenth century through the lens of political modernity, to focus solely on liberal ideas, and to privilege the analysis of free people's military involvement. The focus on the appropriation by free people of enlightenment, republicanism, or the emphasis on the pursuit of equality and rights such as voting are clear examples of this tendency. These appropriations and pursuits were certainly key to the process of Independence and informed, to a greater extent, the political life of the new republics. However, I concur with recent scholarship that argues that in order to better understand post-independence political processes, it is necessary to comprehend preexisting values, ideas, and practices to assess the role they had in shaping the ways in which new ideas were appropriated during the Age of Revolution.[14] This dissertation complicates existing literature by first exploring the peculiarities of politics outside of war-time contexts and before the vocabulary of modern politics was widespread, and second, by focusing on

[13] Múnera, *El Fracaso*; Helg, *Liberty & Equality*; Lasso, *Myths*.

[14] My work draws on literature that argues for the existence of multiple modernities, underlines the need to avoid teleological understandings of modern politics and to include in the analysis other political ideas different from liberalism, such as royalism, and other sector than elites. In studying political thought and processes in the Age of Revolution, recent scholarship, mostly originated in the Spanish and Portuguese speaking world, have argued for the existence of a "plurality" or multiplicity of modernities and the need to recognize the multiple paths to modernity. For this approach see Javier Fernández Sebastián and Luis Aljovín, *Diccionario Político y Social del Mundo Iberoamericano* (Madrid: Sociedad Estatal de Conmemoraciones Culturales, 2009). For a critical review of this work that precisely argues for the analysis of royalism and the inclusion of other sectors than elites, see Gabriel Paquette "The Study of Political Thought in the Ibero-Atlantic World During the Age of Revolutions," *Modern Intellectual History* 10 No. 2 (2013): 437-448; for a specific analysis of royalism, see Echeverri, *Indian and Slave*, Ch. 3, 106.

free men and women engaged with other activities such as trade, transportation, and urban and agricultural work.

Exploring the politics of subaltern groups in general and studying early modern politics specifically requires rethinking politics in two definitive ways. First, it is necessary to propose an expanded definition of politics that allows for the inclusion of non-elite classes and actions other than those traditionally considered as political. Second, it is crucial to acknowledge the changing and historical nature of politics. Our definition of politics is not the same as past definitions of politics. Accordingly, political historians must define what the particular content of politics in the early modern world was.

In relation to the first task, there seems to exist a tacit agreement on what politics are when scholars deal with "high politics." The same cannot be said when scholars study actions that do not openly address political leaders or whose primary goal is not to object or change rulers. Two different scholarly traditions have been key in reframing the study of politics in order to include popular and subaltern actions.

During the past three decades, a group of historians have drawn attention to a new political history, one that shifted from the previous focus on "great men" and "high politics" towards the inclusion of other actors and the redefinition of political developments as processes of cultural transformation. Historians of the French Revolution have been key in orchestrating this shift in focus. Authors such as François Furet, Lynn Hunt, Keith Baker, and Roger Chartier, partly influenced by the linguistic turn, redefined the political and the political culture.[15]

[15] François Furet, *Interpreting the French Revolution* (Cambridge: Cambridge University Press, 1981); Lynn Hunt, *Politics, Culture, and Class in the French Revolution* (Berkeley: University of California Press, 1984); Roger Chartier, *The Cultural Origins of the French Revolution* (Durham, N.C: Duke University Press, 1991)

For this work, Keith Baker's work is fundamental. Three points are of particular importance. As Baker argues, politics is not only about directly influencing governments but also about making claims. He defines politics as "the activity through which individuals and groups in any society articulate, negotiate, implement, and enforce the competing claims they make upon one another and upon the whole." Secondly, he draws attention to the cultural dimension of politics. In this sense, political culture is "the set of discourses or symbolic practices by which these claims are made."[16] Finally, he links claims-making to the processes of identification of individuals and groups, as it comprises "the definitions of the relative subject-positions from which individuals and groups may (or may not) legitimately make claims one upon another, and therefore of the identity and boundaries of the community to which they belong."[17]

I heavily draw on this definition of politics and consider claims-making as a key analytical tool for this dissertation. However, it is necessary to make two clarifications regarding this term. First of all, claims are not only verbal. As sociologist Charles Tilly stressed for eighteenth-century England and other political regimes, claims are performances – a set of actions–.[18]

Secondly, and following E.P. Thompson and James Scott, I consider that claims are political when they are intended "to mitigate or deny claims made by superordinate classes

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and Keith M. Baker, *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century* (Cambridge: Cambridge University Press, 1990).

[16] Baker, *Inventing*, 5.

[17] Ibid.

[18] Charles Tilly offers a fascinating and wide-ranging case-by-case study of various types of government and the equally various styles of protests they foster. Tilly argued that the set of actions and the means by which people protest—that is, their repertoires of contention—vary significantly from one political regime to the next. Charles Tilly, *Regimes and Repertoires* (Chicago: University of Chicago Press, 2006) and *Popular Contention in Great Britain, 1758-1834* (Cambridge: Harvard University Press, 1995).

or to advance claims vis-à-vis those superordinate classes."[19] Such claims have ordinarily to do with the material nexus of class struggle, that is with the appropriation of land, labor, taxes, rents and so forth. These claims can be open and violent, and can directly defy the ruling classes, but most of the time, as Scott argues, they are ordinary, everyday forms of peasant resistance such as "foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage and so forth."[20] What they have in common is that they require little or no coordination or planning; often represent a form of individual self-help and typically avoid any direct symbolic confrontation with authority or elite norms. [21] This perspective, in fact, has inspired a wave of studies on enslaved resistance and political participation in the Americas. An illustrative case of this kind of small-scale actions is the *petit marronage* undertook by enslaved people in Haiti and that proved key for the revolution.[22]

By looking at the political culture of free people of African descent, then, this dissertation specifically looks at the claims – understood not only as written acts – publicly stated by colonial subjects and groups addressed to the monarchical state and that implied a public production, assertion, contention or fixation of the positions those individuals or groups occupied in the community and in relation to the state. I seek to identify the particular nature of these claims and actions and to disclose the meaning of the terms in which they were framed.

Politics and claims-making in the early modern world, however, had a culturally and historically particular content, and reflecting on that is the second task of this section.

[19] James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985), 33.
[20] Ibid., *Weapons*, 34.
[21] Ibid., 9.
[22] Gabriel Debien, "Marronage in the French Caribbean," in *Maroon Societies: Rebel Slave Communities in the Americas*, ed. Richard Price. (Baltimore: Johns Hopkins University Press, 1996).

This content was defined by the specific state-formation process of the Hispanic monarchy. It is key, then, to clearly state and insist that early modern states in general, and the Hispanic monarchical state in particular, were different from the modern state with which scholars are most familiar and that has shaped the ways in which we have read other historical societies.[23] I argue that three elements characteristic of the way the Hispanic monarchy was formed were central in shaping politics, claims-making, public identifications and the political culture in general: the composite or corporative character, the key role of privileges, and the consequent jurisdictional nature of power.

Early modern states have been termed "composite states" or "composite monarchies" for – as opposed to modern states – they emerged out of the coexistence and co-optation of diverse parties or collectivities and kept their hegemony over vast territories for several centuries precisely because of the acknowledgment of their existence.[24] The Hispanic monarchy, as one of such states, was far from a homogeneous unit. Rather, it was an association of a multiplicity of collective subjects. These parts not only entailed contiguous kingdoms that became gradually incorporated to the crown of Castile such as Aragon, Valencia, or Naples, but also cities, communities, and corporations that had

[23] The role that the modern state has had informing the ways in which scholars have approach the states and politics of other historical periods was greatly evidenced by sociologist Norbert Elias, "Los procesos de formación del Estado y de construcción de la nación" (1970) *Revista Historia y Sociedad* 5 (1998), 100-117. In the same vain, scholars of the European critical legal history as well as some American political and legal historians have insisted that early modern European states must be understood in their own historical terms without imposing modern categories produced by historians of the modern nation-states. For an excellent review of the former see: Carlos Garriga, "Orden jurídico." For the latter see J.H. Elliott, "A Europe of Composite Monarchies," *Past and Present* 137 (Nov 1992): 51; and Pedro Cardim et al. eds., *Polycentric Monarchies: How Did Early Modern Spain and Portugal Achieve and Maintain a Global Hegemony?* (Brighton: Sussex Academic Press, 2012).

[24] "Composite state" is a term coined by H.G. Koenigsberger in 1975. "Composite monarchies" were first mentioned by J.H. Elliott in 1992. Both, even though they were separated by two decades, responded to a moment where scholars were rethinking the model of nation-states for explaining the history of Europe, as it was entering a crisis. This was also a point where multinational corporations were growing and the populations were experiencing the revival of ethnic, regional and local identities. See H.G. Koenigsberger, *Politicians and Virtuosi: Essays in Early Modern History* (London: Hambledon, 1986) and Elliott, "A Europe of Composite," 50.

acquired royal recognition since the medieval times.[25] This composite unit was conceived of and experienced as a human body, an entity with its own nature and interests but, at the same time, composed by smaller units or organs, each of them with their own characteristics, specific functions, and different degrees of importance.[26] These smaller units were also called bodies, states, or corporations, and this is why early modern monarchies are termed corporative societies.

The bond between the king and the bodies was based on an asymmetrical reciprocity, in which the king recognized and ensured the distinctiveness of all these units, their identities and customary law and they, in return, offered fidelity to the king. This recognition materialized in concrete benefits for the bodies, such as a degree of self-government, tax exemptions, and honors, among others. This set of concessions varied greatly from place to place and time to time and was known as privileges.

In order to assess the historic meaning of the privileges that play a key part in this dissertation, it is necessary to first clarify that the meaning of the early modern privilege is very different from its modern sense. During the French Revolution and the rise of liberalism, privileges started to be criticized and became to be identified as an attribute of elites in a nondemocratic society. This liberal re-signification shaped our contemporary

[25] The way in which each collectivity was constituted and recognized varied greatly according to the time of its configuration. For instance, if it were constituted prior to the consolidation of the royal power in Castile at the end of the fifteenth century, a collective could assert its recognition on the grounds of time (*antigüedad*). If posterior to this point, it would be a *gracia* granted by the king. In fact, during the seventeenth and eighteenth century it became more common that only collectivities with royal approval could be constituted as corporations. See: Beatriz Rojas, "Los privilegios como articulación del cuerpo político," in *Cuerpo político y pluralidad de derechos: los privilegios de las corporaciones Novohispanas*, ed. Beatríz Rojas. (Mexico: Centro de Investigación y Docencia Economicas, 2007): 47-48.

[26] Garriga, "Orden Jurídico," 6; Francois-Xavier Guerra, "De la política antigua a la política moderna. La Revolución de la soberanía," in *Los espacios públicos en Iberoamérica. Ambigüedades y problemas*, ed. François-Xavier and Annick Lamperiere. (México, Fondo de Cultura Económica, 1998): 111; Alejandro Cañeque, *The King's Living Image. The culture and Politics of Viceregal Power in Colonial Mexico* (New York: Routledge, 2004); Beatriz Rojas shows how the bodily metaphor permeated the political culture of Spanish America. "Los privilegios," 48-51.

understanding of privilege thus re-signifying this term as an unfair exemption given to elites in a political community that was supposed to grant the same set of rights to all its members. However, in the early modern world, privilege was not an attribute of a single group, but the very expression of the bond between the monarch and his subjects.[27]

What, then, was early modern privilege? It is not possible to provide a universal definition, as this concept was a part of the customary legal system of the Hispanic monarchy, whose characteristic was precisely to operate on the ground of particular cases. In this sense, contemporary European *juristas* and *tratadistas* who wrote on *privilegium* did not seek to define it, but rather to compile either all the different uses or the entire range of conditions that allowed the granting of them.[28] Furthermore, there was no clear distinction between *privilegium* and similar terms like *beneficium*, *favor iuris*, *dispensario*.[29] In this sense, legal historians, and I follow their lead, have proposed to work with a wide definition that allows for the inclusion of all the historical cases. Privilege, then, was the set of rights, *mercedes* y *gracias* granted by the king to a limited group (or a specific situation) in order to recognized their fidelity and, thus, to differentiate them from the rest of the society.[30]

Within this context, it is necessary to reframe the meaning of difference. For liberal political thought, equality stands at the center of its claims. Yet, in the early modern societies, the main principle was not equality before the law but difference. In this sense,

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[27] In fact, we now know that privileges were distributed widely across different social groups and that the notion of privilege was more inclusive than exclusive. Rojas, "Los privilegios," 10.

[28] Legal historian Thomas Duve analyzes some of the uses of the term *privilegium*. See Thomas Duve, "El privilegio en el antiguo régimen y en las Indias. Algunas anotaciones sobre su marco teórico y legal y la práctica jurídica," in *Cuerpo político y pluralidad de derechos: los privilegios de las corporaciones Novohispanas*, ed. Beatriz Rojas. (México: Centro de Investigación y docencia Económicas, 2007).

[29] Beatriz Rojas, for instance, traced how the eighteenth-century Diccionario de Autoridades provides almost the same definition for the Castilian terms privilegio, libertades, franquicias, mercedes, gracias, prerrogativas, preeeminencias, inmunidades, fueros and privilegios. Rojas, "Los privilegios," 55.

[30] This definition is built upon Thomas Duve's analysis of the different uses of the word and on Beatriz Rojas's historiographical definition. See Duve, "El 'privilegio'," 33 and Rojas, "Los privilegios," 54-57.

the Hispanic monarchy operated and was held together not despite, but because it acknowledged the existence of these bodies and their difference through the granting of privileges. The Hispanic monarchy, then, was built on a mutual contract.[31]

A key consequence of the corporative character and the importance of privilege as the expression of the political bond has to do with the administration of justice or jurisdictionality. Each body had a particular legal personality and its own set of rights, among which was the right to judge its own members. [32] The role of the king was, then, not to expropriate the power of the different judges but to accept their existence and to arbitrate among them. In this way, the Spanish monarchy was founded on the coexistence of an extensive and complex diversity of jurisdictions that, in many occasions, overlapped with each other. The Spanish Empire did not depend on the existence of an absolute power at the center, but rather on many different authorities each overseeing their own sphere of influence.

European legal history and American scholarship on law and empire have insisted on the centrality of the jurisdiction concept to the understanding of the Spanish Monarchy's state-building process. In doing so, they classified this state as a "jurisdictional state," different from the modern state and with its own "jurisdictional culture." The politic power in this state, they argue, was conceived of as *iurisdictio*: the faculty of "saying the law"

[31] This contractualist spirit has been described by John L. Phelan, *The People and the King: The Comunero Revolution in Colombia, 1781* (Madison: University of Wisconsin Press, 1978); Elliot, "A Europe of Composite," 56-57; and Antonio Anino, "Presentación," in *Cuerpo político y pluralidad de derechos: los privilegios de las corporaciones Novohispanas*, ed. Beatríz Rojas. (Mexico: Centro de Investigación y docencia Economicas, 2007): 11.

[32] Elliot explains, relying on Juan de Solórzano, that there were two types of incorporations to the kingdom. The first type of incorporation were accessory unions within the jurisdiction of the kingdom. Their inhabitants possessed the same rights and were governed under the same laws as Spanish subjects. This was the case for the Spanish Indies, legally incorporated into the crown of Castile. The second type was the *aeque principaliter*, where the kingdoms were to be treated as distinct entities preserving their own laws, *fueros* and privileges. Elliot, "A Europe of Composite," 52-53.

(*decir el derecho*). Those who had the political power were those who had the faculty of declaring what is according to the law; the ruler *par excellence* was the judge, the only one with the capacity to say what was right and to keep everybody in his/her right ("*mantener a cada uno en su derecho"*). Political power, then, was not absolute, it was, by nature, limited to an specific territory, group or subject-matter and included the role of the ruler as an arbiter, a moderator, a keeper of the harmony between the parts.

This characteristic had several consequences for the organization of social and political life across the Spanish Empire. First, membership in the body politic was not defined in terms of individuals but in terms of groups. Second, the "natural" relation between these groups was diversity and not equality.[33] Each subject of the monarchy, each member of the body politic, fell under the jurisdiction of a different judge, and followed a different set of laws. Each subject stood in relation to the state from within a jurisdictional location or sphere, which defined the legitimate position from which he or she could make claims on the state and framed a distinct political existence. In sum, the access to a forum in which requests, grievances or opinions could be legitimately voiced to the king and its representatives was organized according to this model. [34]

Hence, Francois-Xavier Guerra argued that early modern political action had a group or factionalist nature and took form of fights over the control of the municipal councils. In times of crises, he said, it also took the form of "popular discontent," expressed

[33] Citizenship after the French Revolution was defined under the assumption that all individuals were equals before the Law. This conception was simply absent in the early modern world.

[34] Even though legal historians have recognized the importance of jurisdictionality, their consequences have not been fully explored yet. There is a growing body of literature on what Lauren Benton and Richard J. Ross have termed "jurisdictional politics" or "the strategic manipulation of ideas and information about legal pluralism," that evidenced it was central in making of early modern empires. However, more research on the jurisdictional nature of power and on the ways in which popular classes gave meaning to it is necessary. See: Lauren Benton and Richard J. Ross, "Empires and Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World," in *Legal Pluralism and Empires, 1500-1850* ed. Lauren Benton and Richard J. Ross (New York: New York University Press, 2013), 3.

in the propagation of rumors, *pasquines,* and the presentation of claims (*representaciones*) before the authorities.[35] Though Guerra's definition is not entirely satisfactory, as it privileges elite politics, urban settings, and groups, I agree with the importance his definition allots to the corporative and highly factionalized aspect of Hispanic political culture. In this sense, I look at the specific form claims adopted in the context of a corporative state.

Examining free people of African descent's political culture implies, then, surveying the place they were given by the monarchy; the kind of bond with the king they claimed to have; the jurisdictional location they were granted or/and claimed; which claims they addressed to the jurisdictional state and its agents (either local, viceregal or royal). I assess the ways in which they lived, interpreted and manipulated this corporative and jurisdictional world; the privileges they sought or defended, and the kind of identifications they asserted in doing so. In other words, my dissertation addresses the ways in which Spanish monarchical laws and legal institutions were made meaningful for local contexts and for free people of African descent.[36]

Vassals of African Origin and Descent and the Law

The legal status of colonial subaltern groups, such as indigenous communities and people of African descent, and their relation to Spanish legal institutions have been central topics for historians during the last three decades.[37] There is now an extensive body of

[35] Guerra, "De la política Antigua."

[36] This question draws on Yanna Yannakakis interest on institutions and how subordinate people related to them as well as on Brian Owensby's view of law as embedded not only in social processes but also in people's reflection on and reasoning about the world. See: Yanna Yannakakis, "Beyond Jurisdictions: Native Agency in the Making of Colonial Legal Cultures. A Review Essay," *Comparative Studies in Society and History* 57 No. 4 (2015) and Brian P. Owensby, "How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico," *The Hispanic American Historical Review* 85 (2005): 39.

[37] Apart from legal historians mentioned in the previous point, this field has received renovated stimulus from scholars of the *casta* terminology that has shifted from the previous focus on *casta*/class debate to questions

literature that has shown the social and political impact of legal and cultural structures on Indian vassals, and that has evidenced how indigenous communities under Spanish rule gave meaning to imperial institutions and used the law as a tool to defend their own interests. [38]

Regarding people of African origin and descent, there has been also a long tradition of studies focused on their relation with legal institutions, particularly produced within the field of comparative slavery and legal history. On the part of the enslaved population, recent studies have demonstrated that enslaved people acquired legal savvy from early on and used it to their own benefit. Enslaved peoples claimed identities as "imperial subjects" and "king's loyal vassals" when addressing the representatives of the Spanish Crown, requested rights and privileges, and carved out a legal and political location for themselves, while at the same time shaping the imperial Spanish legal system.[39]

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on how subaltern groups related to these categories and, ultimately, with Spanish institutions. See: O'Toole, *Bound Lives*; Leo J. Garofalo and Rachel S. O'Toole, "Introduction: Constructing Difference in Colonial Latin America," *Journal of Colonialism and Colonial History* 7 No.1 (2006); Andrew B. Fisher, "Creating and Contesting Community: Indians and Afromestizos in the Late-Colonial Tierra Caliente of Guerrero, Mexico," *Journal of Colonialism and Colonial History* 7 No.1 (2006); and Laura Matthew, "Mexicanos and the Meanings of Ladino in Colonial Guatemala," *Journal of Colonialism and Colonial History* 7 No.1 (2006). For a further review on the definition of *casta* and the *casta*/class debate see the following section.

[38] Stern, Peru's Indian; Yannakakis, The Art of Being; Owensby, Empire of Law; Sergio Serulnikov, Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes (Durham: Duke University Press, 2003); Alcira Dueñas, Indians and Mestizos in the "lettered City": Reshaping Justice, Social Hierarchy, and Political Culture in Colonial Peru (Boulder: University Press of Colorado, 2010); Fisher, "Creating the Meanings;" and Mathews," Mexicanos."

[39] See Maria Elena Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre: Negotiating Freedom in Colonial Cuba, 1670-1780* (Stanford: Stanford University Press, 2000) and from the same author "Conjuring Identities; Race, Nativeness, Local Citizenship, and Royal Slavery on an Imperial Frontier (Revisiting El Cobre, Cuba)" in *Imperial Subjects: Race and Identity in Colonial Latin America*, ed. Andrew B. Fisher and Matthew D. O'Hara, (Durham, N.C: Duke University Press, 2009); Sherwin Bryant, "Enslaved Rebels," and from the same author *Rivers of Gold*; Renée Soulodre-La France, "'White and Mulattos, Our enemies'; Race Relations and Popular Political Culture in New Granada," in *Beyond Black and Red: African-native Relations in Colonial Latin America*, 137-158, ed. Matthew Restall. (Albuquerque: University of New Mexico Press, 2005) and from the same author "Los Esclavos de su Magestad': Slave Protest and Politics in Late Colonial New Granada," in *Slaves, Subjects, and Subversives: Blacks in Colonial Latin America*, ed. Jane Landers and Barry Robinson. (Albuquerque: University of New Mexico Press, 2006); Maria Eugenia Chaves, "Literate Culture, Subalternity and Resistance: the Case of Slave Women in the Colonial Courts," *Journal of Colonialism and Colonial History* 7 No. 1 (2006); Marcela Echeverri, "Popular Royalists," and *Indian and Slave*; Alejandro de la Fuente "Slaves and the Creation of Legal Rights in Cuba: Coartacion and Papel," *The*

Regarding free descendants of the enslaved, their legal status and their relation with legal institutions, however, we do not know much. Even though scholarly interest in free people of African origin and descent originated several decades ago, with Frank Tannenbaum's foundational work, there have not been many studies of freed people of African descent. Tannenbaum indicated that one of the main differences between different slave systems in the Americas was the varying conditions and legal statuses of free people. In this way, free people became one of the main criteria used to compare the New World's different slavery systems. Building upon this idea, David Cohen and Jack Green produced the first volume focused on free people in the Americas, combining the works of scholars of slavery in Spanish America, Cuba, Brazil, the French, Dutch and English Caribbean and the United States with two main goals in mind. First, the editors assessed "the degree to which the experience of free colored can serve as a measure of the character of slavery and race relations in each of the slave societies." They also intended to define "free-coloreds'" special and pivotal role in the societies in which they lived.[40] Historians Frederick Bowser and Franklin Knight contributed chapters on Spanish America and nineteenth-century Cuba respectively. These chapters focused on establishing the demographical trends and socio-economic conditions of the population, analyzing population relative size, rates of manumission, sex ratios, marital choices, occupational patterns, legal status, and the ways

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Hispanic American Historical Review 87 No.4 (2007); Lyman L. Johnson, "'A Lack of Legitimate Obedience and Respect': Slaves and Their Masters in the Courts of Late Colonia Buenos Aires," *The Hispanic American Historical Review* 87 No. 4 (2007); Brian P. Owensby, "Legal Personality and the Processes of Slave Liberty in Early-Modern New Spain," *European Review of History: Revue Europeenne D'histoire* 16 No.3 (2009); Michelle McKinley, "Fractional Freedoms: Slavery, Legal Activism, and Ecclesiastical Courts in Colonial Lima, 1593-1689," *Law and History Review* 28 No. 3 (2010); and Bianca Premo, "An Equity against the Law: Slave Rights and Creole Jurisprudence in Spanish America," *Slavery & Abolition* 32 No. 4 (2011) and O'Toole, *Bound Lives*, Ch. 5.

[40] David W. Cohen and Jack P. Greene, Neither Slave nor Free: The Freedman of African Descent in the Slave Societies of the New World (Baltimore: Johns Hopkins University Press, 1972), 3.

in which slaves gained their freedom.[41] These works signaled the path for the next generations of scholars interested in free people of African descent by defining the themes around which the debate would revolve: manumission, community-formation, identity and political participation.[42]

Among these themes, manumission is probably the most developed field for Spanish America. This scholarship has explained the workings of Spanish legal system, its definition of manumission and the different means of gaining freedom, and the demographic composition of the population of free people of African descent.[43] However, the majority of these studies have focused on the enslaved population, particularly on the ways in which enslaved persons became free.[44] Yet, even though many people of African descent passed from slavery to freedom over the course of their lifetime, many others were two- or even three-generations free-born. The question that arises is, then, was their relationship with freedom the same? What did freedom mean to them? Was freedom experienced differently when the temporal and social distance from slavery and

[41] Even though Bowser's article is not the first study on free people, but rather an attempt to summarize the knowledge at that moment, it certainly is the first attempt to define the field and the questions scholars interested in this population should be tackling. Frederick P. Bowser, "Colonial Spanish America," in *Neither Slave nor Free: The Freedman of African Descent in the Slave Societies of the New World*, ed. David W. Cohen and Jack P. Greene. (Baltimore: Johns Hopkins University Press, 1972), 22.

[42] Cohen and Green's call for studying free people, however, has not received as much attention as it should. After Cohen and Green's volume, only one work focusing exclusively on free people has been published: Jane Lander's *Against the Odds: Free Blacks in the Slave Societies of the Americas*. Lander's study is presented as a re-visitation of Cohen and Green's volume and many of the themes examined by them. It includes three chapters on Spanish America (Florida, Cuba and Dominican Republic).

[43] Frederick Bowser, "The Free person of Color in Lima and Mexico City: Manumission and Opportunity, 1580-1650," in *Race and Slavery in the Western Hemisphere: Quantitative Studies,* eds. Stanley L. Engerman et al. (Princeton: Princeton University Press, 1975); Lyman L. Johnson, "Manumission in Colonial Buenos Aires, 1776-1810," *The Hispanic American Historical Review* 59 No. 2 (1979); Frank T. Proctor, *Damned Notions of Liberty: Slavery, Culture, and Power in Colonial Mexico, 1640-1769* (Albuquerque: University of New Mexico Press, 2010); and Christine Hünefeldt, *Paying the Price of Freedom Family and Labor Among Lima's Slaves, 1800-1854* (Berkeley: University of California Press, 1994).

[44] For New Spain see: Joan C. Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century* (Albuquerque: University of New Mexico Press, 2007); Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570-1650* (Cambridge: Harvard University Press, 1976); Proctor, *Damned Notions*. For Peru see: Bowser, "The Free Person," and Christine Hünefeldt, *Paying the Price*.

manumission was greater? Moreover, what did freedom mean given the fact that many free people owned slaves themselves? This set of questions has not yet been stated.

Herman Bennett insists that, even though slavery remains a central lens through which to study the African diaspora's experience, scholars must turn their attention towards the lives of free people. Bennett questions the fact that slavery, understood as an analytical category, has been the "defining lens" through which the African diaspora in the Spanish America has been examined.[45] He calls for a shift in this lens, from slavery to freedom as a more appropriate analytical frame. In his attempt to define this shift, Bennett provides us with the first hint of the framework within which we must approach freedom in colonial Spanish America. He insists that it is necessary to understand that this freedom is not the Enlightenment-inspired notion of freedom. So the task for the scholar is to understand its meaning in the context of Catholicism and the Spanish monarchy. Freedom, Bennett says, was more than a juridical status; it resulted from lived experiences framed by the fact that African descendants were considered both persons with souls and subjects of the king.[46]

By also questioning the meaning of freedom, Proctor signals an interesting methodological path for approaching freedom that places the life experiences of historical subjects at the center of the research. He invites us to consider the cultural specificity of the idea of freedom at the end of the eighteenth century. He argues, "It was only in the late eighteenth-century Atlantic world, with the fluorescence of Enlightenment ideologies on liberty, that an abstract notion of freedom became dominant." He then explores the distinct meaning slaves gave to freedom before "the Atlantic revolutions introduced the lexicon of liberation into master-slave relations." He accomplishes this through the close examination

[45] Bennett, *Colonial Blackness*, 6.
[46] Bennett, *Colonial Blackness*, 169.

of colonial law, manumission cases, and liberty suits, and concludes that the pursuit of personal liberation was not central for slave's identities and that fact shaped the way they perceived freedom.[47] In this way, he traces the specific meanings slaves gave to freedom through specific lived experiences, highlighting then the circumscribed nature of slaves' conceptions of freedom.

This dissertation takes up Bennett and Proctor's invitation, and, without downplaying the importance of slavery in the understanding of the African diaspora, aims to assess free peoples' particular social experiences in order to understand the ways in which they shaped their meanings of freedom.

Freedom and Blackness in the Spanish Empire

To study free people of African descent it is necessary to reflect on the epistemological and methodological challenges this and the other categories related to colonial blackness pose to scholars of Spanish America. The first challenge is one of translation. The Spanish terms New Granada's officials used to refer to this population were mainly "libres de color," "gentes de color," or "libres de todos los colores." These terms have been translated into the English term "free people of color." However, Spanish and English terms have a slightly different connotation explained by America and Spanish America's different histories of race relations. "Free people of color" is a category used in the Anglophone world to refer exclusively to free people of African origin or descent, and it is intended to differentiate them from those of the same origin that were still in bondage before the total abolition of slavery. Color, in this context, is mostly used as a synonym for black people or people of African descent. Further, this category was produced and makes sense in the context of America's biracial history, according to which society was divided

[47] Proctor, *Damned Notions*, 9.

into two groups, white and blacks. This division also coincided with the dichotomy, in plantation societies, between masters and slaves. In this sense, a free person of color was a more or less fixed category that referred to people of full or partial African ancestry free from bondage. In contrast, I argue that the Spanish terms of *libres* or *libres de color*, were not always clear or fixed terms. They did not always reference to the same group of people and varied significantly according time and place. One of the differences, for instance, is the fact that people of African descent coexisted with a large indigenous population, which resulted in the fact that Spanish officials used the term "freedom" or "free" to refer to freedom from bondage as well as to refer to freedom from tribute. In this sense, *mestizos* or even "fugitive Indians" were sometimes counted as free ("libres").[48] It is necessary, then, for scholars to be attentive to the different contexts in which the category is being used and the population to which they made reference. In order to avoid confusion with the English term and to clarify to which free subjects I am making reference, I use the term "free people of African descent" in this dissertation.

This category, though, is not free from difficulties. The second challenge scholars face is related to this and the other categories of blackness in colonial Spanish America. According to the colonial terminology of *calidad* or *casta*,[49] people of African origin and

[48] There is a body of Colombian scholarship that stresses the broader meaning the term "libres" had eighteenth-century New Granada. See: Marta Herrera, "'Libres de todos los colores': el ordenamiento social en las llanuras del Caribe, siglo XVIII," in *El Caribe en la nación colombiana (Memorias)* ed. Alberto Abello (Bogotá: Museo Nacional de Colombia, Observatorio del Caribe Colombiano, 2006); Margarita Garrido, "Free Men of All Colors in New Granada: Identity and Obedience before Independence," in *Political Cultures in the Andes, 1750-1950*, ed. Nils Jacobsen and Cristóbal Aljovín. (Duke University Press, 2005); Sergio Solano, "Usos y abusos del censo de 17777-1780. Sociedad, "razas" y representaciones sociales en el Nuevo Reino de Granada en el siglo XVIII." (Research report presented to the Facultad de Ciencias Humanas, Univesidad de Cartagena, Colombia, 2013).

[49] *Calidad* was the Spanish term most commonly used by the contemporaries to the set of physical, social and cultural features associated to the lineage of the different peoples that inhabited the Spanish Indies (Europeans, Indians and Africans) and to indicate the social status of an individual. *Calidad* was conceived of as an inherited characteristic that was transmitted by blood. It was a composite judgment that described both the exterior and the interior of a person. Scholars have analyzed it as an antecessor of the modern category of

descent were termed "negros," "mulatos," "zambos," and "pardos."[50] However, there was not a single term in Spanish that grouped these categories, there was not a specific or all-encompassing census category to group them. In other words, there was not an equivalent to the modern term free people of African descent.[51] It is thus necessary to warn the reader that the category of free people of African descent is not an historical but an analytical category. This means that that the historical actors did not use it, but that I use it because it

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race developed in the nineteenth century. In fact, many scholars of colonial Spanish America have preferred to use this category instead of race. In colonial Spanish America there was a proliferation of terms intended to describe a group's *calidad*, and this set of terms are called *casta* categories. For an exploration of the meaning of *calidad*, its cultural and intellectual underpinnings, and its place in the long-term history of racial thought see: Magali M. Carrera, *Imagining Identity in New Spain: Race, Lineage, and the Colonial Body in Portraiture and Casta Paintings* (Austin: University of Texas Press, 2003); María Eugenia Cháves, "Color, inferioridad y esclavización: la invención de la diferencia en los discursos de la colonialidad temprana," in: *Afro-reparaciones: memorias de la esclavitud y justicia reparativa para negros, afrocolombianos y raizales*, ed. Claudia Mosquera et al. (Bogotá: Universidad Nacional de Colombia, 2007); Max Hering, "Raza: variables históricas," *Revista de Estudios Sociales* 26 (2007); María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford: Stanford University Press, 2008). Joanne Rappaport, "'Asi Lo Paresçe Por Su Aspeto': Physiognomy and the Construction of Difference in Colonial Bogotá," *Hispanic American Historical Review* 91 No. 4 (2011); from the same author *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada* (Durham: Duke University Press, 2014).

[50] Generally, *mulato* was the term used to refer to a person of mixed white and black ancestries; *zambo* to a person of mixed Indian and black ancestries; and *pardo* as a euphemistic term to refer to people of African descent in general. The use and meanings, though, varied across time and region. A detailed study of the development and the etymology of these terms can be found in: Manuel Alvar, *Léxico del mestizaje en Hispanoamérica* (Madrid: Ediciones Cultura Hispánica, 1987). There were also other categories, produced particularly in New Spain, to refer to racial mixes with African blood, such as *lobo, ochavón, morisco, coyote* and *chino*. I do not make reference to these categories here, as they were not used in New Granada. For a study of these categories in New Spain see Ben Vinson, "Estudiando las razas desde la periferia: las castas olvidadas del sistema colonial mexicano (lobos, moriscos, coyotes, moros y chinos)," in *Pautas de convicencia étnica en la América Latina colonial (Indios, negros, mulatos, pardos y esclavos*), ed. Juan Manuel de la Serna. (Mexico: Universidad Nacional Autónoma de México, 2005). Such a proliferation of terms has been particularly analyzed through the *casta* painting produced in eighteenth-century New Spain, see: Ilona Katzew, *Casta Painting: Images of Race in Eighteenth-Century Mexico* (New Haven: Yale University Press, 2004). For Perú see: Pilar Romero, "Los cuadros de mestizaje del Virrey Amat," in *Los cuadros de mestizaje del Virrey Amat. La representación etnográfica en el Perú colonial*, ed. Manuel de Amat et al. (Lima: Museo de Arte de Lima, 2000).

[51] In New Spain, the 1777 census listed "españoles," castizos, indios, mestizos, mulatos, moriscos, negros, and lobos, but never used a single to category to group those categories of African descent. In Peru the collection of information was done under the categories of "mestizos, mulatos y demás castas". In New Granada, all these categories were subsumed by the term free people that, as stated above, included mestizos too, see: Berta Ares-Queija, "A los hijos de español y de india, o de indio y española, nos llaman mestizos… construcciones identitarias en la América colonial española" (Talk presented at the Conferencia Magistral Cátedra Ibero-Latinoamericana Santander, Instituto de Estudos Avançados Transdisciplinares - IEAT, Faculdade de Filosofía e Ciências Humanas, Universidade Federal de Minas Gerais, Belo Horizonte, Brazil, 2010). For New Granada's census see: AGI, Mapas y Planos, Varios, No. 38.

allows me to group and analyze the set of phenomena in which I am interested here: those actors considered to have black skin in the colonial society, African origins, a shared past of bondage, and "the stain" associated with black skin. These phenomena differentiated their lived experiences from those of other groups within colonial society.

The third challenge comes from the complexities of the notion of *calidad*, the related *casta* categories and the construction of collective identities. The vast scholarship on *casta* categories and *calidad* now agree upon the fact that these categories cannot be taken just as reflections of actual social groups, but that they must be considered more as a "discursive resource than [as] reflective of a self-evident structure of society." [52] Furthermore, the construction and application of these categories was highly flexible and gave place to different meanings, appropriations, and strategic uses, not only on the part of the imperial agents but also by subaltern groups.[53] For instance, each separate colonial authority could employ different categories to classify the same person. On the other hand, the ways in which colonial subjects related to the categories applied to them varied across time and space.[54] Following these observations, I am less interested in determining whether

[52] Richard Boyer, "Negotiating Calidad: the Everyday Struggle for Status in Mexico," *Historical Archaeology* 31 No.1 (1997): 64.

[53] During the 1970s and 1980s, scholarly work on *casta* terminology revolved around the caste/class debate, that is, on the question of whether the colonial society was structured on caste (determined by race) or class (determined by economic position). Later scholarship, especially in the 1990s and 2000s, moved beyond this debate, shifting the focus to the question on how colonial subjects related to these categories, stressing fluidity and flexibility, alternative and strategic uses and understandings, and intersections with gender. For the caste/race debate see: John Chance and William Taylor, "Estate and Class in Colonial Oaxaca: Oaxaca in 1792," *Comparative Studies in Society and History* 19 No. 4 (1977); Robert McCaa, Stuart B. Schwartz and Arturo Grubessich, "Race and Class in Colonial Latin America: a Critique," *Comparative Studies in Society and History* 21 No. 3 (1979); John Chance and William Taylor, "Estate and Class: A Reply," *Comparative Studies in Society and History* 21 No. 3 (1979); Patricia Seed, "Social Dimensions of Race: Mexico City, 1753," *The Hispanic American Historical Review* 62 No. 4 (1982); Patricia Seed and Philip Rust, "Estate and Class in Colonial Oaxaca Revisited," *Comparative Studies in Society and History* 25 No.4 (1983); Robert McCaa, "Calidad, Clase and Marriage in Colonial Mexico: The Case of Parral, 1788-90," *The Hispanic American Historical Review* 64 No.3 (1984); and Stuart B. Schwartz, "Colonial Identities and the Sociedad de Castas," *Colonial Latin American Review* 4, No. 1 (1995).

[54] For a review of recent approaches to *calidad* and colonial difference see: Garofalo and O'Toole, "Introduction."

the people I investigate "really" had African ancestors and more interested in historical actors' understandings of blackness and its relation to freedom and politics in the Spanish Empire. I understand blackness as the set of experiences, notions and ideas associated with black skin color. This set of ideas varies historically and geographically, and in the early modern Spanish Empire, blackness –or colonial blackness– included the African origin of an individual and his/her relation with slavery.[55] I explore, then, the lives of those people who had to navigate their lives burdened with what was seen as "the stain" of blackness in any of their interactions either with neighbors, authorities or foreigners.[56] People who, in one way or another, were classified (by either royal, local or ecclesiastical authorities or the community) or self-identified as having some relation with blackness.

This definition of the subjects does not only reference the complex process of identification recorded in the sources but is also the result of understanding race as a social construct that is produced, reinforced, and used by different actors in diverse ways that vary across time and space. My approach draws on the idea that race is an inaccurate description of human distinction, and that its power does not relay on "its intrinsic truth" but in its ability to influence groups and political actors and to be used in ideas of community, state, and popular policies of exclusion and inclusion.[57] Accordingly, I understand identity not as an essence but as a process that entails contestation and continued reaffirmation and as a set

[55] This definition draws on the work of anthropologist Eduardo Restrepo, *Etnización de la negridad: la invención de las comunidades Negras como grupo étnico en Colombia* (Popayán: Universidad del Cauca, 2013), 26.

[56] On blackness and the idea of black skin as a stain see: Carrera, *Imagining Identity*; Katzew, *Casta painting*; and Chávez, "Color."

[57] My approach to race draws on Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1980s* (New York: Routledge & Kegan Paul Inc., 1986); Michael Hanchard and Erin Chung, "From Race relations to comparative Racial Politics: A survey of Cross-National Scholarship on Race in social Sciences," *DuBois Review* 1 No.2 (Fall 2004); Nancy P. Appelbaum, Anne S. Macpherson and Karin A. Rosemblatt, introduction to *Race and Nation in Modern Latin America* by Nancy P. Appelbaum et al. (Chapel Hill: University of North Carolina Press, 2003) and Peter Wade, *Race and Ethnicity in Latin America* (New York: Pluto Press, 2010).

of discourses and practices of identification that are performed before others. Therefore, I focus my research on public identifications produced and performed before the authorities and/or in order to make claims to the Spanish state.[58]

New Granada in the Composite Monarchy

This dissertation focuses on the viceroyalty of New Granada, one of the viceroyalties created by the Bourbon reformist drive of the first half of the eighteenth century and that encompassed almost north South America (See Map 1). This territory is a privileged space for the study of free people of African descent in Spanish America. The growth of this population was a common feature in almost every Spanish colony in the eighteenth century. Yet, the case of New Granada is singular because it was home to one of the largest populations of free people in Spanish America. By 1789, while Peru had approximately 41,000 free people and New Spain 300,000, New Granada had a population of free people of about 430,000. Considered in terms of proportions, these figures are all the more striking, as free people comprised almost half of the total population, which by that time amounted to almost 800,000 inhabitants. They thus outnumbered whites (who comprised 26 percent), Indians (who comprised 20 percent), and slaves (who comprised 8 percent) of the population.

[58] For my approach to identities I draw on Karen B. Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640," *The Hispanic American Historical Review* 89 No. 3 (2009) and Andrew B. Fisher and Matthew D. O'Hara, introduction to *Imperial Subjects: Race and Identity in Colonial Latin America* by Andrew B. Fisher and Matthew D. O'Hara. (Durham, N.C: Duke University Press, 2009): 15-23.

Map 1: Spanish America and the Viceroyalty of New Granada in 1783[59]

Demographic, geographical and economical conditions allowed for the rapid growth of the free population of African descent. These conditions included the size and structure of the Indigenous societies (non-imperial sedentary, semi-sedentary and non-sedentary peoples with less or not centralized at all societies); the pace and nature of the Spanish conquest and settlement (a "transitional" area with a slower process of conquest and consolidation of the Spanish settlement, with several areas that escaped actual control[60]); the mountainous and extremely difficult geography (that allowed the formation of

[59] Source: David J. Weber, *Bárbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven: Yale University Press, 2005), 7.
[60] Here I borrow Stuart Schwartz and James Lockhart's term and characterization. James Lockhart and Stuart B. Schwartz. *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983).

settlements outside the reach of colonial authorities), and an economy structured around the industry of gold mining (these conditions are further explore in Chapter 1).

With such a large presence, free people shaped, in many crucial ways, the institutions, government, economy and society of New Granada. In this sense, New Granada's history allows scholars to explore, to a greater extent, the essential role of free people of African descent in the making of the Spanish Empire and of Latin American societies. Furthermore, considered as an "imperial periphery," New Granada became a special target of Bourbon reforms throughout the eighteenth century, in this way, its study might led to a more complex understanding of governance and reform in the Bourbon era.[61]

Most of the scholarship on the African diaspora in New Granada has been focused on the Caribbean and Pacific coast regions.[62] Yet, the population of free people of African descent was certainly large and key in the interior as well, especially in the villages along the main fluvial artery of the viceroyalty, the Magdalena River. This dissertation focuses on this area.

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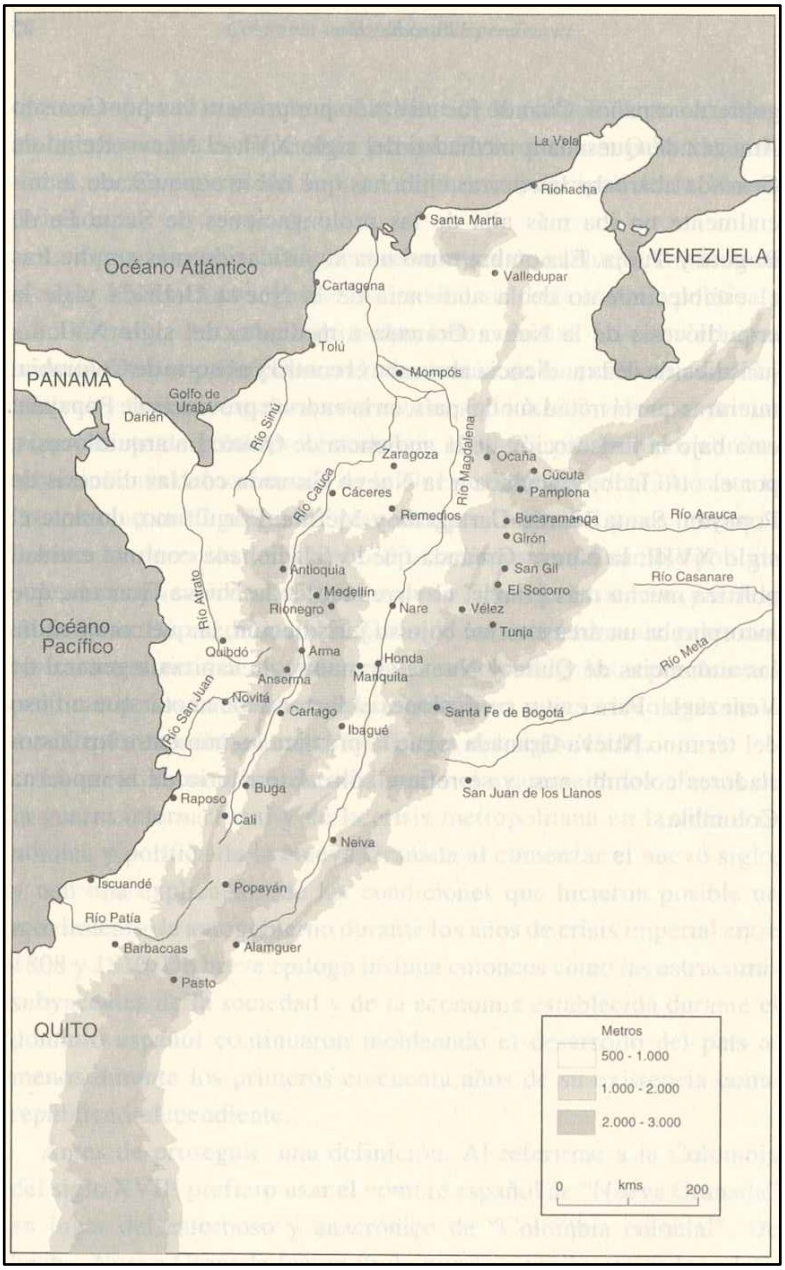
[61] For an analysis on the importance of studying "imperial peripheries" see: Gabe Paquette, *Enlightenment*, 94-95.

[62] The scholarship on slavery is not abundant in Colombia. There are few general works, but most of the literature has been focused on specific regions, particularly on those where enslaved population was larger, such as the Caribbean plains, the Pacific lowlands and the western province of Antioquia. For comprehensive works, see Jaime Jaramillo Uribe, "Mestizaje y diferenciación social en la segunda mitad del siglo XVIII," in *Ensayos de Historia social, Tomo I La sociedad Neogranadina* ed. Jaime Jaramillo Uribe (Bogotá, Tercer Mundo Editores, 1979); David L. Chandler, *Health and Slavery: A Study of Health Conditions Among Negro Slaves in the Viceroyalty of New Granada and its Associated Slave Trade, 1600-1810* (New Orleans: 1972); Luz Adriana Maya Restrepo, "Demografía de la trata por Cartagena (1533-1810)" in: *Geografía Humana de Colombia. Los Afrocolombianos. Tomo VI*. (Bogotá: Instituto Colombiano de Cultura Hispánica, 1998); Jorge Palacios Preciado, *La esclavitud de los africanos y la trata de negros: entre la teoría y la práctica* (Tunja, Colombia: Universidad Pedagógica y Tecnológica de Colombia, 1988); María Cristina Navarrete, *Historia social del negro en la Colonia: Cartagena, Siglo XVII* (Cali: Universidad del Valle, 1995) and from the same author *Génesis y desarrollo de la esclavitud en Colombia Siglos XVI y XVII* (Cali: Universidad del Valle, 2005). For regional studies see: Germán Colmenares, *Historia económica y social de Colombia. Popayán una sociedad esclavista*. (Bogotá: Tercer Mundo Editores, 1997); Adolfo Meisel Roca, "Esclavitud, mestizaje y haciendas en la provincia de Cartagena: 1533-1851," *Desarrollo y sociedad* 4 (1980); Rafael Diaz Diaz, *Esclavitud, región y ciudad: el sistema esclavista urbano en Santa Fe de Bogotá, 1700- 1750*, (Centro Editorial Javeriano, Bogotá, 2001).

The Magdalena River plays such an important role in the history of the territory of present-day Colombia. This importance is derived from the fact that the political and administrative center of the territory was located in the interior Andean highlands. The river flows northward about 949 miles, its headwaters are located far in the Andean mountainous interior to pour its waters in the Caribbean Sea, some miles north of Cartagena. This river played a crucial role in the Spanish conquest and settlement and in the following political and economic articulation of New Granada. The news of rich deposits of gold and large Indigenous populations that attracted Spaniards to this territory reached them through this river. The expeditionary armies that conquered the Andean interior also penetrated by way of the river.[63] In New Granada the interior territory played a different political, economical and symbolic role. It was not an interior frontier, nor it was a backland. On the contrary, it was "the center" of New Granada. The largest indigenous societies of this territory inhabited the interior Andean highlands. Spaniards, in consequence, established the largest and more stable settlements in the interior, founding the main administrative centers such as Popayán, Tunja, and Santa Fe, which became the capital, seat of the *Real Audiencia*. In this way, New Granada, unlike the other viceroyalties of the Spanish Empire, had a capital located far distant from the coast. In comparison, Mexico City was 233 miles from its Atlantic port, Veracruz; Lima, was just 5 miles from El Callao, and Buenos Aires was itself a port. Santa Fe stood 653 miles from its main maritime port, the city of Cartagena. Further, Santa Fe had only one route of communication with Cartagena: the Magdalena River.

[63] Eduardo Acevedo Latorre, *El Río Grande de la Magdalena: apuntes sobre su historia, su geografía y sus problemas* (Bogotá: Banco de la República, Biblioteca Luis Angel Arango, 1981), Ch.1.

Map 2: New Granada's Geography and Urban Settlements[64]



The river, then, became the backbone of New Granada, while at the same time was mostly inhabited by people of African descent. A larger literature has stressed the fact that the Caribbean basin offered its settlers means "to challenge and redefine imperial

[64] Source: Anthony McFarlane, *Colombia antes de la Independencia: economía, sociedad, y política bajo el dominio Borbón* (Bogotá: Banco de la República, 1997), 26.

prescriptions and policies adapting them to local realities." [65]I argue that rivers and land routes were also key nodes in Spain's transatlantic commercial system and imperial governance. This study, then, can illuminate the histories of other Spanish American riverine spaces such as the Mississippi, Orinoco, Chagres, Zulia, and Amazon rivers and their role in the construction of sovereignty and the making of the Spanish Empire.[66]

Organization of the Dissertation

This dissertation analyzes the "repertoires of contention" of free people of African descent in the Spanish Empire during the second half of the eighteenth century. I trace the different means by which they protested and expressed their grievances to the authorities. I argue that free people faced growing pressures within their lives during this period, produced, on one hand, by changes at the imperial level in the political thought and methods of governance, and, on the other hand, by demographical and social changes at the regional one. The confluence of these processes resulted, in some cases, in a growing discontent, and in others, in attempts to defend their statuses or lifestyles.

The order of this dissertation is roughly chronological. Each chapter is centered on a particular set of political and social spheres. Chapter 1 sets the frame within which free people's lives and political local life operated in the second half of the eighteenth century. It traces the demographic growth of this population, how free people of African descent, according to the 1778 census, came to comprise almost half of the population of the

[65] Ernesto Bassi, "Between Imperial Projects and National Dreams: Communication Networks, Geopolitical Imagination, and the Role of New Granada in the Configuration of a Greater Caribbean Space, 1780s-1810s" (PhD diss. University of California at Irvine, 2012): 24.

[66] Lauren Benton draws attention to the need to recognize and explore the spatial dimensions of the early modern empires. In this sense, she points out that rivers had a central place in the empire-building process and were produced as "uneven legal geographies", as lawless places. Rivers, says Benton, were central in the claiming of sovereignty, the exerting of authority, and in the political and spatial imagination of European countries. Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010).

viceroyalty of New Granada. The dissertation goes on to explore how this growth was perceived by viceregal and local authorities. This growth was general to colonial Spanish America, but it took on greater magnitude in this viceroyalty. I offer a brief explanation of the geographic, demographic, and political characteristics that allowed for this growth. I also trace the attitudes of the authorities before this population that responded, in some ways, to changes in political thought and methods of governance that took place across the Spanish Empire during the eighteenth century. The chapter underscores the political changes that shaped the ways in which free people were imagined by the Spanish monarchy and how these views shaped the policies and projects intended to govern them.

Chapters 2 and 3 focus on two groups of free people of African descent for whom the corporative and jurisdictional components of the monarchical political culture were key in informing the ways in which they made claims to the authorities. Chapter 2 explores a group of *pardo* traders in the city of Honda that made modest fortunes and built noteworthy social networks that enabled them to claim a *pardo* identification that was not seen, in any way, as an obstacle to claiming a place in the *patriciado*. For them, identifying as traders gave them the foundations to claim to be honorable neighbors and prominent members of the "republic" "despite" their blackness.

Chapter 3 focuses on the *bogas*, or boatmen, working in fluvial navigation, who were vital for the transportation of commodities and people, and pivotal for maintaining the connection between Spain and Santa Fe. A strong awareness of their irreplaceable role in the functioning of the viceroyalty contributed to make *bogas* key political actors well before independence. Their activity was organized along corporative lines and that characteristic dictated the ways in which they interacted with the authorities and made claims to them.

Chapter 4, in contrast to the previous two, explores the ways in which free men and women, who did not enjoy a corporative identification, managed to make claims to the authorities. These men and women were mostly rural dwellers who worked as day laborers on the large cattle-rising and agricultural estates. Bourbon reforms and socioeconomic transformations at the local level produced a growing pressure over the land they inhabited and the lifestyles they had developed over centuries. I examine the articulation of imperial and local-wide transformations, the ways in which these affected free people of African descent, and the legal strategies they used to cope with these pressures. In doing so, I trace the identifications they used to present grievances related to these pressures at court as well as their participation in slave revolts produced by the expulsion of the Jesuits in 1767.

In Chapter 4, I focus on the juridical strategies of free people that were, to some extent, deemed legal by the authorities— forms of routine dissent.[67] Chapter 5 shifts focus to tumultuous times, examining the character claims-making took on when the general discontent of the inhabitants of the viceroyalty erupted into violence, when, in other words, the monarchical system of conciliation[68] broke down to the point that people resorted to collective disobedience. The impact of Bourbon reforms on free people's lives was significant and clearly produced a growing discontent among many of them. In 1781 a massive movement, the Comunero revolt, exploded and affected most of New Granada's territory. Reforms undertaken by Juan Antonio Gutiérrez de Piñeres funneled prevalent discontent into violent actions against royal monopolies and open defiance of municipal authorities. A vast group of men and women marched towards the capital and local upheavals spread throughout almost all the territory of the viceroyalty. The group that

[67] Borrowing from Serulnikov, *Subverting*, 4.
[68] I borrow this term from Phelan, *The People and the King*, xvii.

marched to Santa Fe presented a document where they listed their grievances, called *the Capitulaciones*.

Even though free people were affected by many of the reforms, even though they protested at courts for decades, and even though the participation of *mulato* and *zambo* men and women was key in many towns only two of the 25 articles explicitly addressed black people. This has lead scholars to mistakenly see the Comunero revolt as a Creole, mestizo, and Indian alliance. Chapter 5 argues that the lack of articles addressing blackness has more to do with the absence of a corporate recognition of free people of African descent on the part of the monarchy that made it more difficult for them to manifest their grievances in the midst of the constitution of "El Común." This political juncture, then, allows me to assess the effects of the absence of corporate recognition in times when "the People," "El Común," "the plebe," was forming as a political category. This effect, in part, was erase blackness from the political forum and denying it political status: imagining the People without blackness.

CHAPTER 1

Freedom and Free People of African Descent in the Viceroyalty of New Granada

On November 10, 1776 Charles III issued a *Real Cédula* ordering all his viceroys to undertake what would be the first general census of Spanish America. Motivated by the rising prominence of so-called "political arithmetic" (later named statistics)[1] as an essential tool for good governance and the wealth of nations, this census was intended to provide the monarch with a precise portrayal of his overseas territories' population, including persons from "all classes, states, *castas*, infants included." The *Cédula* stipulated that each viceroy should instruct the judges under their jurisdictions to collect the information and send it to the capitals so that the viceroys could send a summary to Madrid. The collection of census data was a slow process; it took almost 5 years for all the reports to reach the Court. These censuses showed, among other things, that the population of free people of African descent had grown significantly and even become a demographic majority in viceroyalties like the New Granada.[2]

The results of New Granada's survey, also known as the 1778 census, coincided with the views of different viceroys, high-ranking officials, and local authorities who for approximately four decades had been insisting on the "proliferation" of free people in

[1] In 1698, English political thinker Charles Davenant defined political arithmetic as "the art of reasoning by figures, upon things related to government." Cited in Andrea A. Rusnock, "Biopolitics and the Mathematics of Population: Medical and Political Arithmetic in the Eighteenth Century," in *The Sciences in Enlightened Europe*, ed. William Clark et al. (Chicago: University of Chicago Press, 1999), 49.

[2] It has not been possible to locate the original *Cédula* so far, however, it is referred several times by census-takers and different officials and viceroys, among them José de Gálvez, secretary of the Council of Indies and Antonio Caballero y Góngora, Viceroy of New Granada (1782-1789). For these references as well as for an excellent exploration of the census-making process and its relation to *casta* categories see: Sergio Solano, "Padrones de población e historiografía sobre la configuración socio-racial hispanoamericana del siglo XVIII," *El Taller de la Historia* 5 No. 5 (2013):146 and from the same author "La construcción de los censos de población del Nuevo Reino de Granada a finales del siglo XVIII," *El Taller de la Historia* 7 No. 7 (2015).

different provinces of the viceroyalty.[3] The findings of the census, then, were not surprising, but they comprised the first materialization, visualization and contouring of the population of free people in New Granada, who, in this way, became a tangible and measurable category for the crown and its officials.[4]

How this population came to grow to such an extent in this viceroyalty and how the imperial officials perceived it are the questions that this chapter addresses. The Hispanic judicial system, the legal culture of the enslaved, the continued importation of African captives, especially in the seventeenth century, and the natural growth of the population in the eighteenth century provided the conditions for the increase of the population of free people across the entire Spanish empire. However, this chapter argues, the larger size this population reached in the viceroyalty of New Granada was a product of the geographic, demographic, and political characteristics of this territory. At the same time, the authorities' perception of this population growth was a result of both empirical observations of the demographic trend as well as changes in political thought and methods of governance that took place across the Spanish empire during the eighteenth century and that placed the issue of the size of populations at the center of good governance.

This chapter, then, has two goals; in the first place, it traces the ways in which the population of free people grew. Secondly, it underscores the political changes that shaped

[3] See especially Josef de Ezpeleta, "Relación del gobierno del Exmo. Sor. Dn. Josef de Ezpeleta, etc., en este Nuevo Reino de Granada con expresión de su actual estado en los diversos ramos que abraza, de lo que queda por hacer y de lo que puede adelantarse en cada uno," in *Relaciones e informes de los gobernantes de la Nueva Granada*, ed. Germán Colmenares. (Bogotá: Ediciones Banco Popular, 1989).

[4] I draw attention to the visual character of this contouring, as the population is both represented in charts and portrayed in maps. About the rising importance of statistical knowledge for governance and the implications of imagining and converting all the subjects of the King into quantities susceptible of analysis see Santiago Castro-Gómez, *La hybirs del punto cero. Ciencia, raza e ilustración en la Nueva Granada (1750-1816)* (Bogotá, Editorial Pontificia Universidad Javeriana, 2005),169; Gabriel B. Paquette, *Enlightenment,* 111-117; Mauricio Nieto Olarte, *Orden natural y orden social. Ciencia y política en el semanario del Nuevo Reyno de Granada* (Madrid: Consejo Superior de Investigaciones Científicas, 2007): 181-185. The role of statistics in governance has been evidenced for other European countries, especially for eighteenth-century England, see Rusnock, "Biopolitic."

how free people were imagined by the Spanish monarchy, how these views shaped policies and projects intended to deal with free people, and, ultimately, how this provided a key part of the framework for interactions of free people with the monarchy, its institutions, and its agents in the second half of the eighteenth century.

1.1. The Population of Free People of African Descent in the Spanish Empire

The growth of a large population of free people of African descent was a feature of American colonization particular to the Iberian empires. Other European powers experienced the appearance of groups of freed slaves, but even though significant, their numbers did not reach the proportions they did in both the Spanish and the Portuguese empires. This phenomena was due, firstly, to the Spanish judicial system and its use by the enslaved and, secondly, to the characteristics of Spanish America. [5]

1.1.1. Pursuing Freedom in the Spanish Empire

Slavery existed in the Iberian Peninsula since the Roman period, and it was precisely the Roman law – plus Christian notions of piety - that allowed the manumission of the enslaved. Slavery in the Castilian world was regulated by an array of different bodies of laws that, even though very diverse in nature, all agreed in the legality of the pursuit of freedom.[6] The *Siete Partidas* —the medieval code that regulated most of the master-slave

[5] The role legal systems had in differentiating slavery systems in the Americas has been an object of debate during the 20th and 21st centuries. For Frank Tannenbaum and his followers, the legal system was a prime factor in differentiating the Iberian from the English slaveries. Following critiques of Tannembaum's approach, scholars shifted focus to the economic conditions as the important source of difference. Recent legal scholarship, however, has brought back the importance of the law. This work draws on this latter scholarship and insists that even though the juridical body was not the only differentiating factor, it did have an important role in shaping the experiences of the African diaspora. For a review of this shift see: Alejandro de la Fuente, "Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited," *Law and History Review* 22 No. 2 (2004). An excellent example of this scholarship is Michelle McKinley, "Fractional Freedoms."

[6] The *Siete Partidas* was a compilation of laws made under the reign of Alonso X the Wise and completed in 1265. It includes laws intended to regulate Castilian relations between masters and slaves. These laws were applied in the New World until the *Compilación de las Leyes de Indias* in 1680. The *Compilación* basically followed the principles set by the *Siete Partidas* and it was only in 1789 that a slave code was produced.

relations in Castile and then in the Indies— stated that slavery was not an inherent condition and considered all men naturally free. Judges across the Hispanic monarchy, in fact, were obliged by this code to help slaves obtaining freedom, "as [freedom] is the friend of the nature, loved not only by every men but by all the animals."[7] This code did not only set the principles but also ruled that the master, as an act of good will, could grant freedom to his/her slaves and/or their children. According to the *Siete Partidas*, the decision to liberate them should be stated in a will or personal letter that was legalized by a notary in a document called a letter of freedom (*carta de libertad*).

These codes stipulated that freedom could be also self-purchased, and that a slave was granted the right to pay for his or her freedom for a "fair" price. The price of the slave had to be publicly established in a written document so that the slave could pay this sum to his or her master and get his or her freedom. Some slaves, once they knew their value, took out loans for paying their established price. This practice took a particular shape in Cuba, where it was called *coartación*, an agreement between masters and slaves on a manumission price that could not be subsequently altered and that could be paid in different installments by the slave, who became a *coartado*.[8]

As a consequence of this avenue to manumission, there was a conspicuous population of free people of African descent in many Castilian cities, such as Seville, by the time Columbus arrived to the New World. In fact, many of the first Africans who arrived in

[7] Siete Partidas, Partida 7, Tit.33, Ley 13.
[8] Recent studies have suggested, though, that Coartación seemed to have been present only in Cuba, see Sherwin Bryant, "Enslaved Rebels," and from the same author *Rivers of Gold*. A historical analysis of this practice is found in de la Fuente "Slaves and the Creation."

the New World, as members of the conquistadors' expeditionary armies or as part of the wealthy families' entourages, were already free.[9]

In the Indies, however, freedom acquired a greater and unforeseen significance. The "Americanization of slavery," as some authors have termed the process by which Iberian slavery took new forms in the New World, implied the appearance of a whole new range of ways for pursuing freedom and conditions that favored it.[10] The rise and consolidation of the transatlantic slave trade, the coexistence of the enslaved with other populations, the presence of vast territories outside the reach of the authorities, the active pursuit of freedom and the use of the law by the enslaved, were the main factors in this Americanization process.

First of all, the slave trade to the Spanish possessions set a relatively stable source for the accretion of a population of free people of African descent, at least during the sixteenth and seventeenth centuries, period in which it reached its peak. Spaniards were the first Europeans to have the capital necessary to import slaves into the New World, and even though it took several decades for the formal slave trade to develop and become institutionalized, enslaved Africans started to be imported to Hispaniola just a few decades

[9] Ruth Pike points out that, according to the *Casa de Contratación's* registers, many of the migrants were single men and women but also some families. She suggested, in fact, that one of the reasons for freed people to immigrate to the New World was the pursuit of opportunities to improve their status that were absent in Seville. See Ruth Pike, "Sevillian Society in the Sixteenth Century: Slaves and Freedmen," *The Hispanic American Historical Review* 47 No.3 (1967). For New Granada Jaime Jaramillo Uribe's foundational work pointed out this early presence, see: "Esclavos y señores en la sociedad colombiana del siglo XVIII," in *Ensayos de historia social Tomo 1* ed. Jaime Jaramillo Uribe. (Bogotá, Tercer Mundo Editores, 1989): 7-9. Rafael Díaz has argued too that it is very likely that free blacks had arrived to Santa Fe with the expedition of Jiménez de Quesada and the first African women charged with witchcraft in 1540 was free. Rafal Díaz Díaz, "La manumisión de los esclavos o la parodia de la libertad. Santafe de Bogotá, 1700-1750," *Anuario Ccolombiano de Historia Ssocial y de la Cultura* 23 (1996): 49. In fact, David Wheat has recently evidenced that Africans were central in the colonization of the Caribbean and in the expansion of the Spanish empire ultimately. Wheat, *Atlantic Africa.* See also Bowser, "Colonial Spanish America," 20 and Klein and Vinson, *African Slavery*, 20.

[10] Juan Manuel de la Serna, introduction to *De la libertad y la abolición: Africanos y afrodescendientes en Iberoamérica*, by Juan Manuel de la Serna ed. (Mexico: Consejo Nacional para la Cultura y las Artes, INAH, UNAM, 2010), 17.

after the arrival of Columbus.[11] The demographical decline of the indigenous populations, the prohibition of Indian slavery and the discovering of gold and silver mines soon increased the demand for African slaves. In consequence, the number of slaves rose steadily and reached its highest point in the era of the Portuguese *asiento*, from 1580 to 1640.[12] By the middle of the seventeenth century, in the viceroyalty of New Spain there were around 45,000 slaves, representing 2% of its population, and 100,000 slaves in the viceroyalty of Peru, comprising between 10 and 15% of the population.[13] As the enslaved population grew the free population did as well. Reports from the earliest years of the conquest indicated their presence in cities like Lima, Guatemala, Havana and Cartagena.[14] By 1600 in most cities free men and women came to be 10 to 15 percent of the local black population and comprised a significant source of labor along with the slaves. Among the free, women were especially prominent in port cities of the Spanish Caribbean.[15]

Secondly, the coexistence of the enslaved with a large indigenous population, a significant group of white poor people, and the growing mixed population, and the choices of forming families with them presented an essential way to escape from bondage. Recent studies have even suggested that this path to freedom was more fundamental for the movement from slavery to freedom in Spanish America than manumission.[16] The *Siete*

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[11] During the first years of the conquest there was not formal trade but Spaniards traveling to the Indies would request licenses to bring their slaves. In 1518 the Spanish King granted the first *asiento* or monopoly. Klein and Vinson, *African Slavery*.

[12] The pace varies slightly from New Spain to Peru. The total number of slaves in Peru was greater and the imports did not decline as early as in New Spain. See Klein and Vinson, *African Slavery,* 28.

[13] Klein and Vinson, *African Slavery*, 30-31; on Peru see Bowser, *The African Slave,* 339-340.

[14] Twinam, *Purchasing,* 91; Wheat, *Atlantic Africa*, 142-147.

[15] For figures see: Klein and Vinson, *African Slavery*, 31; Wheat, *Atlantic Africa*, 143. Wheat's work explains how free black women played a central role in power and cultural brokers in both sides of the Atlantic and especially in the early modern Iberian world, participating extensively in Spain's colonization of the Caribbean.

[16] When studying seventeenth-century New Spain, Herman Bennett has rightly pointed out that scholars have overlooked a century of black births involving African men and Mexican women and the survivors of these unions. These unions, he argues, generated the earliest and one of the largest populations of free black

*Partida*s and subsequent laws dictated that, because paternity was impossible to substantiate, the condition of slavery, as well as freedom, were to be passed from the mother to her children. The womb of a free woman, thus, would give birth to a free child regardless of the status of the father. Enslaved men, then, sought to have children with Indian women, as their offspring, to which the authorities often referred with the term *zambo*, would be free from slavery. Men, then, had a substantial advantage over their female counterparts, and actively sought free partners, a trend that was denounced by many Spanish officials.[17] Enslaved women, on the other hand, did not have the same opportunities, but their children with Spaniards had the chance to negotiate their freedom with their fathers.[18]

The existence of a large indigenous population, then, provided enslaved Africans with the possibility of a greater degree of social mobility than in other colonies. The first generations of *zambos* tended to identify themselves with their mothers and be part of the Indian towns. This identification implied they had access to communal lands and the support of the community, but they were also subjected to tribute.[19] However, as the population of *mestizos*, poor whites and freed slaves started to grow, enslaved men found other opportunities to have progeny free from bondage and free also from Indian tribute, which led to a very diverse population of free people that included recently freed slaves and

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populations in the Americas. See, Bennett, *Colonial Blackness*, 5. Other scholars have also insisted on the importance of these unions for the growth of population of free people of African descent. See: Twinam, *Purchasing Whiteness*, 91.

[17] Twinam, *Purchasing Whiteness*, 91.

[18] A significant number of the lawsuits for freedom analyzed in Chapter 4 were brought to the authorities by enslaved or freed women who asked their masters to freed the children they had together.

[19] Unfortunately, nor the category of *zambo*, its different meanings, neither the identification processes produced around this category have drawn the scholarly attention it deserves. Many of the individuals this dissertation studies were classified or identified themselves as *zambos* or *zambaigos*. For an analysis of interethnic relations between Indians and black people this see: Matthew Restall, *Beyond Black and Red: African-native Relations in Colonial Latin America* (Albuquerque: University of New Mexico Press, 2005).

two or even three-generation free-born individuals with full or partial African ancestry and with very diverse identifications as belonging to either slave, free or Indian families.

Another factor explaining why freedom gained such significance in the Indies was the existence of several unconquered lands inhabited by autonomous indigenous groups. These open frontiers and vast internal pockets of non-controlled territories allowed for the formation of settlements of runaway slaves and free people. By the eighteenth century, after two centuries of Spanish settlement, there still were vast territories where Spanish presence was just a claim of sovereignty. By the late 1700s, for instance, unconquered indigenous groups still exerted dominion over at least half of present-day Latin America's territory.[20] Such settlements were particularly notorious in Brazil, particularly the Quilombo of Palmares. However, they were also very important and persistent across Spanish America, especially in the mountains near the coast of present-day Mexico, Panama, Colombia, Venezuela, and some Caribbean islands.[21] *Palenques*, so termed by the Spanish officials, provided shelter not only for running away slaves, but also to "all kinds of peoples," a phrase with which New Granada's authorities referred to people of different *calidades* and *castas*.

Lastly, but not least, the agency of the enslaved population, their continuous search for freedom and their acquired legal savvy, led to the opening of more opportunities to obtain legal freedom. Scholars of law have shown how the casuistic nature of the Spanish juridical culture and its use by the part of the enslaved was a key factor in acquiring

[20] Weber, *Bárbaros*, 12.
[21] Klein and Vinson, *African Slavery*, 179. For a comparative study on maroonage in the Americas see Richard Price, *Maroon Societies: Rebel Slave Communities in the Americas* (Garden City, N.Y: Anchor Press, 1973).

freedom and rights.[22] In this way, institutional designs, geography and the active and continuous pursuit of liberation by thousands of enslaved women and men, converged to give the free population not only a larger size but a whole new set of characteristics in the Americas.

This population grew slowly but steadily during the sixteenth and the seventeenth century, and in the eighteenth century it became to equal and then outnumber slaves, even comprising half of the total population in some viceroyalties. From the information available, historians have evidenced that the number of free persons surged ahead of the slave population in almost every province of Spanish America by the end of the colonial rule (see Table 1). That it eclipsed the enslaved population might have been a byproduct of the slave-trade decline in Spanish America after 1650,[23] but it was also due to the natural recovery of the population in general, and the continued intermarrying between populations.

Table 1: Enslaved and Free Population in Late Colonial Spanish America[24]

Province	Slaves	Free People of African Descent
New Spain (1810)	10,000	300,000
Peru (1792)	40,000	41,000
Chile (1778)	ND	15,000
Río de la Plata	ND	22,000
Santo Domingo (1788)	15,000	80,000
Puerto Rico (1755)	7,000	35,000
Cuba (1792)	85,000	54,000
Venezuela	64,000	198,000
New Granada	**80,000**	**420,000**

[22] De la Fuente, "Slaves and the Creation," 661.
[23] This decline was not the same for all the viceroyalties. It was deeper in New Spain than in Peru, where, along with some areas of South America, experienced some peaks in the first half of the 18th century. But in general the slave trade never reach the magnitude in the 1650s. Klein and Vinson, *African Slavery*, 31.
[24] Source: Klein and Vinson, *African Slavery*, 196-198.

It is difficult to draw conclusions from such diverse data, but it is possible to argue that by the second half of the eighteenth century, free people of African descent had come to comprise a significant sector of the population of each viceroyalty and the lives and experiences of the majority of the members of the African diaspora in the Spanish empire were defined, even though in different ways and degrees, by freedom. Different scholars have drawn attention to the importance of freedom. Herman Bennett, for instance, argues for freedom as a more appropriate analytical frame than slavery when analyzing the African diaspora in Spanish America.[25] In order to characterize slavery within the Hispanic monarchy, Chris Schmidt-Nowara also reminded us that slavery developed in close relation to a wide variety of unfree and free labor.[26] The full implications of freedom, however, have not been fully assessed yet.

At this point, a brief comparison with the free population of other European colonies in the Caribbean Sea, where developments followed a very different pattern, might provide key elements to assess the peculiarities of the population of free people in the Spanish Atlantic and the implications for society. This comparison is all the more important as the Caribbean case has often served as the analytical frame to assess the experience of free people in the Americas, including Spanish America. Furthermore, many of the works on free people in the Spanish Atlantic have focused their attention on the Cuban case, which, as mentioned above, was a unique case in the context of the Spanish dominions.[27] It

[25] Bennett, *Colonial Blackness*, 6.
[26] Christopher Schmidt-Nowara, *Slavery, Freedom, and Abolition in Latin America and the Atlantic World* (Albuquerque: University of New Mexico Press, 2011): 5.
[27] Jane Landers, *Against the Odds: Free Blacks in the Slave Societies of the Americas* (London: Frank Cass, 1996), presented as a re-visitation of Cohen and Green's volume and many of the themes examined by them, included three chapters on Spanish America, regarding Florida, Cuba and Dominican Republic.

is central then, to use a different framework for understanding the experiences of free people of African descent in Spanish America.[28]

Three factors were key at differentiating Spanish America from other colonies' free populations: 1) the timeline of formation; 2) the demographic proportions; and, in consequence, 3) the society of which African-descended peoples were part and helped to shape. First of all, in the English, French and Dutch colonies, the massive importation of African slaves, as well as colonization, started later than in the Spanish empire. As already mentioned, the arrival of slaves and freed men and women in the Spanish Indies started in the fifteenth century. In contrast, in other European colonies, the arrival of slaves started by the middle of the seventeenth century, just as the Spanish trade was declining, and reached its peak only in the second half of the eighteenth century. In this way, African slaves arrived in the English, French and Dutch colonies when their counterparts in the Spanish colonies had been incorporated into the colonial society and had contact with the Spanish institutions for a century and a half. This longer history of contact was accentuated by the fact that after the peak of the trans-Atlantic trade, it was natural growth the major factor for the free population to increase in the Spanish empire and not the importation of enslaved people. This resulted in a population mainly composed by American-born men and women. This is what some authors have termed as an "Afro-creole society," proficient in Castilian, born into a Christian social formation, knowledgeable in the customary law and familiar with the territory that they themselves had helped settled. In this way, it can be argued that there was a longer history of contact between the enslaved and their descendants and the

[28] Herman Bennett argues that the fact that the interest on free blacks emerged out from the comparative slavery field, it had implicitly precluded the examination of Latin American free black experience on its own terms. I concur with Bennett's argument, but still think comparison might provide elements for highlighting the differences. Bennett, *Colonial Blackness*, 8.

monarchical institutions and its agents in the Spanish empire and that fact greatly shaped the ways in which the African diaspora interacted with the authorities and politically imagined itself.[29]

Secondly, the demographic pattern of the colonies differed greatly too. With a steady flow of enslaved people but more constraints to manumission and fewer opportunities to gain freedom, a population of free people of African descent formed in English, Dutch and French colonies but in smaller proportions and at an even slower pace than it did in the Spanish ones. As shown in table 2, the population of free people was certainly the smallest group, followed by whites, and both greatly surpassed by slaves.

Table 2: Population in the European Colonies[30]

European Colonies	Free People	Slaves	Whites
French Colonies (Saint Domingue, Martinique and Guadeloupe)	30,000	575,000	52,000
British West Indies	13,000	467,000	53,000
United States (1790)	32,000	658,000	1,300,000

Relying on these figures, some authors have argued that the difference between the Iberian and other European colonies was the lack of a "significant class of freedmen" in the latter. However, not only the demographic figures but also the key participation of free people of African descent in critical political junctures argue for the certainly significant role they played in these societies.[31] The difference between Spanish America and other

[29] Bennett has pointed out how, by 1646, creoles constituted 70 percent of New Spain's black population. This author has also focused on the role Catholicism played in the process of creolization. See Bennett, *Colonial Blackness*, 5 and Ch. 1. Marcela Echeverri has also insisted in the creole nature of the population of African descent in New Granada, see *Indian and Slave*, 29; on the role Africans and their descendants played in the Spanish conquest and settlement see Wheat, *Atlantic Africa*; on the Africans' acquisition of legal savvy see Bryant, *Rivers of Gold*, Ch. 4.

[30] Source: Klein and Vinson, *African Slavery*, 199.

[31] For free people of African descent in the French Caribbean and their political role see: Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge: Belknap Press of Harvard University Press, 2004) and from the same author *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill, University of North Carolina Press, 2004);

colonies, then, was not presence vs. absence, but had more to do with demographic proportions and the consequences it had on the formation of the society. First of all, the African diaspora in the Spanish American societies closely interacted with other sectors such as Indians, whites, and mestizos. Secondly, dichotomies such as that of white master/black slave did not apply as such in many places. The slave-owner group varied greatly, including white landowners with larger gangs, bureaucrats, urban dwellers, and small farmers with one or two slaves. Some free people did own slaves.[32] Slavery, thus, involved a greater social spectrum in the Spanish colonies.

In conclusion, free people of African descent had a conspicuous presence across the Spanish empire. This presence shaped a different economy, different settlement patterns, different social arrangements and different strategies of governance, as I will show in the following sections. This process was general to all the American dominions of the Spanish monarchy; however, it took a greater importance in the viceroyalty of New Granada, which is the subject of the next point.

1.1.2. Free People of African Descent in New Granada

The viceroyalty of the New Granada was one of the youngest viceroyalties in Spanish America. It encompassed all northern South America, corresponding to the territories of present-day Colombia, Panama, Ecuador, the westernmost part of Venezuela, Guyana, southwestern Suriname, parts of northwestern Brazil, and northern Peru (see Map 1). These territories had been explored, conquered and settled in the first half of the sixteenth century and organized under the jurisdiction of three different *audiencias*, which

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David Geggus, "The slaves and Free People of Color of Cap Français," in *The Black Urban Atlantic in the Age of the Slave Trade* ed. Jorge Cañizares-Esguerra et al. (Philadelphia: University of Pennsylvania Press, 2013); and Stewart R. King, *Blue Coat or Powdered Wig: Free People of Color in Pre-Revolutionary Saint Domingue* (Athens: University of Georgia Press, 2001).

[32] In Panama City, for instance, almost 6 percent of the enslaved people were owned by free people of African descent who, in turn, comprised 33% of the city's free population. See Wheat, *Atlantic Africa*, 154.

in turn were under the authority of the viceroyalty of Peru: the Audiencia of Santa Fe, the *Audiencia* of Quito, and the *Audiencia* of Panama. Venezuela, on the other hand, fell under the jurisdiction of the *Audiencia* of Santo Domingo. In 1717, in order to improve the administration of these vast territories and foster commerce, Philip V decided to form a viceroyalty with these three units that would have Santa Fe as capital. This new unit was short- lived as it was abolished because of political tensions, but it was re-established in 1739. It included the territories of these three *Audiencias*, and in 1777 some of its easternmost territory was severed to create the Captaincy General of Venezuela, but the rest of the territory remained united until the Independence wars.

New Granada's territory presented three characteristics that favored the growth of perhaps the largest population of free people of African descent in Spanish America. First of all, demographics and the political organization of its indigenous population, secondly the nature of Spanish settlement, and, lastly, the economic activities around which slavery revolved. Regarding the factor of indigenous populations, it was significant by the arrival of the Spanish conquistadors but it did not have the demographic magnitude those populations had in New Spain or Peru.[33] As consequence, the need for an enslaved labor force and the proportions that the enslaved population reached were higher. It has been estimated that the indigenous population was about 2 million people in New Granada at the time of the contact with the Europeans. The largest groups were located far in the interior, in the mountainous areas of present-day Colombia and Ecuador.[34] These groups have been classified as "non-imperial sedentary peoples", as even though they were not organized

[33] See Sherbune F. Cook and Woodrow Borah, *Essays in Population History 1* (Berkeley: University of California Press, 1971).

[34] By the eighteenth century the main tribute-paying population was located in the province of Tunja and in the jurisdiction of the Audiencia of Quito. Hermes Tovar, "La frontera del Nuevo Mundo y el poblamiento de la Nueva Granada," in *Convocatoria al poder del número. Censos y estadísticas de la Nueva Granada 1750-1830* ed. Hermes Tovar et al. (Bogotá: Archivo General de la Nación, 1994), 21-26.

under highly centralized tribute empires such as those in Mexico and Peru, they did establish quite large and stable societies, based on permanent intensive agriculture, dynastic rulers and a tribute-paying population.[35] These groups and their descendants would comprise the bulk of the tributary population of New Granada that would remain central until the end of colonial rule. The rest of the territory, in particular the Caribbean plains and inter-Andean valleys, including the Magdalena River region, was inhabited by smaller groups, classified as "semisedentary peoples", whose economies mixed agriculture with hunting and gathering, and who formed politically decentralized and autonomous units. Their high mobility provided these groups a higher potential to combat European conquistadors, however, it also made them appeared as more "barbaric" and useless to the eyes of the Spaniards, who dealt with them military, declaring war and taking them as slaves. Constant warfare, enslavement and diseases almost decimated these groups.[36] As a consequence, only the central and southern highland areas had an indigenous population sufficient to the demands of larger Spanish settlements.

This demographic pattern, plus the general demographic crisis of indigenous populations in the sixteenth century and the discovery of rich gold mines in the west, drove to the massive importation of African slaves who soon became an essential source of labor force.[37] In the eastern provinces such as Popayán, Antioquia, and Chocó (Map 2), African labor became fundamental to gold mining, an industry that became the backbone of New

[35] Lockhart and Schwartz, *Early Latin America*, 49-55.
[36] Jorge Orlando Melo, *Historia de Colombia: El establecimiento de la dominación española* (Bogotá: Presidencia de la República, 1996), Ch. 3; Gerardo Reichel-Dolmatoff, "Colombia indígena, período prehispánico," in *Nueva Historia de Colombia 1 Colombia Indígena, Conquista y Colonia* ed. Jaime Jaramillo Uribe. (Bogotá: Editorial Planeta, 1989), 27-68
[37] For demographical estimations see: Jorge Palacios Preciado, "La esclavitud y la sociedad esclavista," in *Nueva Historia de Colombia 1 Colombia Indígena, Conquista y Colonia* ed. Jaime Jaramillo Uribe. (Bogotá: Editorial Planeta, 1989); Maya, "Demografía."

Granada's economy and one of its defining characteristics.[38] This territory possessed the largest gold-mining area in Spanish America and mainly used an enslaved labor force, in contrast with the silver mining industry of Perú and New Spain. In 1590, for instance, it was recorded that 1,000 slaves were laboring in the Anserma mines, 600 in Buriticá, 2,000 in Zaragoza, and 2,000 in Remedios, all located in the province of Antioqua.[39] In the Caribbean plains and the inter-Andean valleys, slaves were imported to work in cattle-raising and agricultural estates, silver mining and fluvial and ground transportation. In the urban centers, especially Cartagena, Santa Marta, Mompóx, Honda, Santa Fe, Popayán and Quito, slaves were employed in domestic services and skilled and semi-skilled trades.[40]

The continued arrival of African slaves during the seventeenth century and their coexistence with a decimated but not yet annihilated indigenous population constituted factors for the formation and growth of a free population. This coexistence, as mentioned in the previous section, was a pattern general to Spanish America. However, New Granada stood as a case different from New Spain and Peru, where the Indian population remained the largest and more important until the end of the colonial era, and different from the Caribbean Islands, the Rio de la Plata region and Chile, where the indigenous population had been either decimated or displaced to the edges of the empire. In this sense, New Granada might be described as an intermediate case between these two poles. The Indian

[38] For New Granada's economy and the centrality of gold mining see Germán Colmenares, *Historia económica y social de Colombia, 1537-1719* (Colombia: Universidad del Valle, 1973).
[39] Palacios, "La esclavitud," 155 and Robert C. West, *Colonial Placer Mining in Colombia* (Baton Rouge: Louisiana State University Press, 1952).
[40] For slavery in the Caribbean plains see: Adolfo Meisel, "Esclavitud, mestizaje y haciendas en la provincial de Cartagena: 1533-1851," *Desarrollo y Sociedad* 4 (1980), 227-77. For the interior regions see Diaz, Esclavitud, region y ciudad; Carlos Valencia Villa, *Alma en boca y huesos en costal: una aproximación a los contrastes socio-económicos de la esclavitud: Santafé, Mariquita y Mompox, 1610-1660* (Bogotá: Instituto Colombiano de Antropología e Historia, 2003); María Angélica Suaza, *Los esclavos en las haciendas de la provincia de Neiva durante el siglo XVIII: Arqueología histórica de la Nueva Granada* (Neiva: Gobernación del Huila, 2007). For the Pacific lowlands see: William F. Sharp, *Slavery on the Spanish Frontier: The Colombian Chocó, 1680-1810* (Norman: University of Oklahoma Press, 1976).

towns resulting from the conquest, in both the central Andean high plateaus and in those areas where indigenous groups were almost decimated, experienced a modest demographic recovery and became spaces of intense interethnic relations with the African slaves and their descendants.

In this context, one of the main avenues for slaves to acquire freedom was the intermarriage with the native population. Recent studies have demonstrated that even though manumission was significant, it was natural growth and interethnic unions the main factors for a population of free persons to thrive in New Granada.[41] Interethnic unions led to the appearance of a significantly large *zambo* population whose existence has not been recognized nor understood. An example of an interethnic space and the complex processes of identification individuals categorized as *zambo* might have undergone can be found in the description made by German naturalist Alexander von Humboldt, who traveled through New Granada in 1801. According to Humboldt, the towns located on the banks of the lower Magdalena River, from the city of Mompóx to the town of Morales, were considerably large, each of them with 300 to 600 inhabitants "who called themselves Indians, but few are legitimate and pure Indians as those in the Orinoco; mostly all of them are mixed with blacks."[42]

The second characteristic of New Granada that allowed for the formation of a large free population was the timeline and nature of the Spanish settlement. Spaniards explored what would later become New Granada from the first decades of the fifteenth century, however, the pace of the conquest and its effective reach was slower and smaller than in Mexico and Peru. The areas with faster and more stable Spanish settlements were those

[41] Díaz, "La manumisión de los esclavos," 62.
[42] *Alexander Von Humboldt en Colombia, Extractos de sus diarios*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm.

inhabited by large and sedentary indigenous groups whose political organization provided Spaniards with preexisting structures upon which to produce subordination and tribute-extraction. These areas, most of them located in the interior Andean region, became the administrative centers (Santa Fe, Tunja, Popayán) and the locations of the largest and wealthiest groups of *encomenderos*. In the rest of the territory, particularly in the Caribbean plains, the Pacific rainforest and the inter-Andean valleys or lowlands ("*tierras calientes*"), the existence of several autonomous and combative indigenous communities made the settlement slower and unstable. Most of the cities of these territories were founded throughout the fifteenth and seventeenth century, but they remained surrounded by several pockets of unconquered land.[43] Furthermore, the density of settlements of these areas was significantly lower than it was in the Andean highlands.[44] The Magdalena River valley, for instance, continued to be a very dangerous place for Spaniards during the seventeenth and the eighteenth century. There was no nucleated settlement from Mompóx to Honda, and the density of settlements was very low. When Humboldt was traveling up the Magdalena River, he reported spotting "several houses and isolated plots on its banks."[45] Furthermore, there still were a large number of unconquered indigenous peoples that attacked its banks. The Chimilas, for instance, who lived in the province of Santa Marta, used to attack Spanish and creole ranchers and menaced travelers on the river.[46] Julián Antonio, a Spanish traveler observed that the banks of the river were inhabited by Indians who were like "the Moors of Algiers and Tunisia in the Mediterranean, restless corsairs, cruel and traitorous.

[43] This responds to what historian Lauren Benton have termed as corridors and enclaves. See: Benton, "*A Search for Sovereignty*." For an analysis of Spanish settlement see Fabio Zambrano and Olivier Bernard, *Ciudad y territorio: El proceso de poblamiento en Colombia* (Santafé de Bogotá, Colombia: Academia de Historia de Bogotá, 1993).
[44] For a comparative analysis of demographical density see Herrera, *Ordenar para controlar*, 107-116.
[45] Humboldt, *Extractos*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm.
[46] Weber, *Bárbaros*, 161, Herrera, *Ordenar para controlar*, Ch. 6.

They are the terror of those who navigate the Magdalena River, they cause a constant state of fear for the travelers of that province and there is no place free from their attacks apart from the largest cities." [47] In sum, by the eighteenth century, the viceroyalty still had large territories not controlled by the authorities.

This situation provided spaces for enslaved population to escape the surveillance of ecclesiastical and secular authorities, to form their own settlements, to form their own families and to free themselves and their descendants from bondage. In New Granada, these settlements comprised a great variety, ranging from the better-known *palenques*, [48] particularly strong in the seventeenth century, the spontaneous towns that grew at the margins of the haciendas and the Indian *resguardos* and, finally, the parishes that dotted eighteenth-century New Granada and that I will describe in the following pages.

Finally, the third factor that allowed the formation of a larger free population was the economy of slavery. New Granada's economy, as well as slavery, was structured around gold mining. Plantations were not central, and in either case its production was focused towards the mining sector. The fact that mining owners gave permission to slaves to pan for gold for themselves on certain days, especially in the western provinces of Chocó, Antioquia and Popayán, provided the slaves greater opportunities to buy their freedom. [49] In a society with as little currency as New Granada had, it is a very interesting but unexplored fact that slaves had access to gold dust.

Demographical, political and economic conditions coincided, thus, to produce one of the largest population of free people with full or partial African ancestors in the Spanish

[47] Julián Antonio, *La Perla de la America, provincia de Santa Marta* (Madrid: A. de Sancha, 1787), 154.
[48] Aquiles Escalante, "Palenques in Colombia," Price, Richard. *Maroon Societies;* Navarrete*, Génesis y desarrollo*; Anthony McFarlane, "Cimarrones y palenques en Colombia: siglo XVIII," in *Historia y Espacio*, 14 (1991): 53-78; Hermes Tovar, *De una chispa se forma una hoguera: esclavitud, insubordinación y liberación* (Tunja: Universidad Pedagógica y Tecnológica de Colombia, 1992).
[49] See West, *Placer Mining*, and Echeverri, *Indian and Slave*, Ch. 1.

Atlantic. Unfortunately, one of the problems that historians of New Granada face is the lack of demographic data for the seventeenth century and the few existing sources are extremely fragmentary and diverse in nature. From the available sources some authors have argued that the 1720s were the turning point for the growth of the population of free people. During the sixteenth and seventeenth centuries, indigenous and enslaved people comprised the majority of New Granada's population, while white and free people were the smallest groups. However, the population of free black, *mulato*, *zambo* and *pardo* men and women grew slowly but steadily and started to become more visible in demographic terms around the second decade of the eighteenth century.[50] By mid-eighteenth century they amounted to half of the total population.

According to the 1778 census, New Granada had, by far, one of the largest free populations in Spanish America. While Peru had approximately 41,000 free people and New Spain 300,000, New Granada had 430,000. These figures are all the more significant if we consider them in terms of proportions. New Granada total population was of 800,000 inhabitants of which free people comprised 46%, whites 26%, Indians 20% and slaves an 8%.

In the provinces of the Caribbean plains and the inter-Andean valleys, the percentage of population of free people exceeded that of New Granada, such as Portobello (76%), Cartagena (63%), Panama (62.3%) Neiva (59,76%), Antioquia (59,26%), Santa Marta (57,28%), Mariquita (55,18%) and Veraguas (54%); and even in the provinces known for its large Indian population free persons of African descent comprised a significant percentage of the population as in Tunja (43,3%), Santa Fe (34%) and Popayán

[50] Herrera, "Libres de todos los colores," 7 and Adolfo Meisel, "Esclavitud," 243-4.

(33%).[51] As stated at the introduction, these figures must be read with precaution, as the category of free people might have included Indians and *mestizos* in some regions, especially in the Andean provinces of Santa Fe and Tunja. Yet, the weight slavery had in the Caribbean (Portobelo, Cartagena, Santa Marta) and the inter-Andean lowland provinces, (Mariquita and Neiva), suggest the existence of a large proportion of blacks, *mulatos*, and *zambos* among the category of free.

This pattern was particularly accentuated in the cities and towns along New Granada's main commercial artery, the Magdalena River. In Mompóx and Honda, the two most important cities and ports on the river, free people accounted for 76% and 62% of the total population respectively. This population was even larger in small towns or parishes (*parroquias*) where almost all the population was classified as free such as Tacaloa (79.9), Magangué (83.7), Tacasaluma (93.3), Cascajal (93.3), San Sebastián (94), Santiago (95.8), and Tacamocho (98.35).[52]

Local censuses for some of these towns are excellent cases for illustrating the arguments of this first section. Consider first Tacamocho, a small town located on the bank of the Magdalena River. According to the local census, it had 899 inhabitants, of which 2.1 percent were classified as whites, 0.4 percent as blacks, 30.8 as zambos, 8.4 as cholos (mixture between *zambo* and mestizo) 8.2 as mestizos, 40.4 as pardos, 4.7 as cuarterones, 0.8 as quinterones, and no Indians.[53] Santiago, on the other hand, had 364 inhabitants, of which 0.3 percent were whites, 1.6 Spaniards, 10.2 zambos, 30.5 mestizos, 48.9 pardos, 6,3 cuarterones and 2.2 mulatos. Tacaloa, another small town, had 522 inhabitants of which

[51] These proportions were calculated with the 1778 census published by Tovar, *Convocatoria,* 63-64. For a critical review of the use if this census see Sergio Solano, "Padrones."
[52] Tovar, *Convocatoria*, 470-487.
[53] For an analysis of Tacamocho's census see Herrera, "Libres de todos los colores."

11.9 were whites, 4,2 blacks, 1.1 Indians, 29.7 zambos, 5.7 cholos, 22.8 mestizos, 4.9 pardos, 1.5 cuarterones and 18.2 mulatos. Tacasaluma, had 619 inhabitants, of which 2.1 were whites, 36.8 zambos, 11.5 cholos, 13.4 mestizos, 28 pardos, 2.1 cuarterones, 0.6 quinterones, and 5.8 free *morenos*.[54]

First of all, the categories are not the same for each census, in Santiago, for instance, whites are divided into whites and Spaniards; and *cholo* is a census category only in three of the four towns here analyzed. Secondly, the local censuses did differentiate between different *castas* while the general census grouped all these categories under the label of free of all colors. In this sense, the distinctions made sense at the local level but not that much at the viceregal level. In consequence, the percentages of the general census have to be analyzed carefully as they included mestizos. Yet, the categories of *pardos*, *mulatos* and *zambos* were clearly the majority in all of them, evidencing, on one hand, the preponderance of people of African descent but also, on the second hand, the existence of high rates of interethnic intermarriage mixing, especially with populations of indigenous descent. People of African descent were now the majority of the Spanish king's vassals in the viceroyalty.

1.1.3. A Viceroyalty of Free People

The predominance of free people of African descent had large and important implications for the spatial, economical and political organization of the viceroyalty. The corporative and jurisdictional organization of the Hispanic monarchy implied that each collectivity was subjected to a different kind of authority and was ruled according to a different set of rights. This feature had a direct expression in the spatial organization of the

[54] The local censuses are found in the Archivo General de la Nación in the "Miscelánea" section. For a study of these censuses and percentages see Solano, "Padrones;" for a more detailed analysis of Tacamocho's census see Herrera, "Libres de todos los colores."

empire and resulted in the articulation of a complex network of differentiated settlements. The Spanish colonization of the Indies was initially built upon the division of the body politic into two entities, the *República de Españoles* and the *Repúbica de Indios*.[55] According to this scheme, each entity had its own juridical personality and authorities, as well as their own settlements. The cities and *villas* were destined for the former and the latter should be reduced to Indian towns (*pueblos de indios*) and missions (*pueblos de misión*).[56] Accordingly, cities and villas were to be ruled by cabildos, the body representing the municipal citizens, and Indian towns were to be ruled by *corregidores de naturales*. However, the rapidly appearance of people of mixed ancestries challenged this dual organization with important spatial and political consequences.

The population of African slaves was initially included in the *República de Españoles* and were to live in the cities and *villas* and in the *haciendas*, under the authority and surveillance of their masters. Their free descendants lived with them, in the cities, *villas* and *haciendas*.[57] However, they soon failed to conform to the ideal of the dichotomy and started to settle in the Indian towns, at the margins of haciendas and the Indian lands or *resguardos* and in the forests far from the reach of the authorities.

Regarding the Indian towns, the Spanish crown prohibited any white or black person from inhabiting the Indian *resguardos*.[58] However, by the eighteenth century, free people started to occupy these lands and sought the service of the priest of the town. These inhabitants started to be called *vecinos* and became one of the largest problems for the

[55] This model took form gradually in the fifteenth century and implemented in the seventeenth century.
[56] Marta Herrera, *Ordenar para controlar*, 82.
[57] Herrerra, *Ordenar para controlar*, 82.
[58] Recopilación de Leyes, Libro VI, Título III

viceregal authorities.[59] The paradigmatic case of this process has been the lands of the provinces of Santa Fe and Tunja, [60] but it also happened in the interior lowland provinces of Mariquita and Neiva. In Sebastián de las Piedras, for instance, an Indian town located near the Magdalena River in the Mariquita's province, a list of tribute-paying Indians taken in 1750 listed that among the 22 families registered there, one was comprised by a man married to a slave woman and another by a woman married to a *mulato* man.[61]

Free people formed spontaneous settlements that gradually became converted into formal towns called parishes (*parroquias*) or places (*sitios*). The proliferation of these settlements, a process that might have been particular to New Granada, was probably the most visible change in its eighteenth-century landscape and was particularly intense along the Magdalena River valley. The process of becoming a parish happened when a group of non-Indian people, including free people of African descent as well as poor whites and mestizos, settled either at the margins of the Indian *resguardos*, Indian towns, or at the margins of haciendas. After a while, when their numbers and resources allowed, they would ask a priest to be assigned to this settlement, acquiring thus the status of parish.[62] On some occasions, they also asked the King or the Viceroy to elevate their parish to the status of a *villa* or even of a city. Even though a parish was an ecclesiastical jurisdiction, it also included a civil one. Parishes were usually put under the jurisdiction of the nearest city or *villa*, whose cabildos was obliged to name representatives to administer justice there. These representatives were called *alcaldes pedáneos* and were the rural judges. There were other

[59] Herrera, *Ordenar para controlar*, 85
[60] For a detailed study of reform and projects in these provinces see: Diana Bonnett Vélez, *Tierra y comunidad: Un problema irresuelto: el caso del altiplano cundiboyacense (Virreinato de la Nueva Granada), 1750-1800* (Bogotá, Colombia: Instituto Colombiano de Antropología e Historia, 2002).
[61] AGN, SC, Tributos, 15, f. 399v.
[62] Historian Marta Herrera has explained that the term parish (*parroquia*) acquired a particular meaning in eighteenth-century New Granada, where it was used to refer to those settlements for non-Indian people different from the cities and *villas*. Herrera, *Ordernar para controlar*, 88.

settlements that did not have enough resources to pay for a priest, so they were assigned to the jurisdiction of another's parish priest. This situation was frequent in the Caribbean plains, where either the people or the priest had to move in order to receive the sacraments. Many towns on the Magdalena River Valley fit this description. This situation lended some degree of autonomy to many of these settlements. [63]

These settlements varied greatly regionally, according to the demographics, the geography and the economic conditions. In the lowlands of the western provinces of New Granada, the population of African origin and descent did not mix with the indigenous population and formed semi-autonomous black communities. In the Caribbean plains and in the inter-Andean valleys, in contrast, the mixing of African people with the indigenous but also with the European population was significant and formed a population of *mulatos* and *zambos* who lived, side by side with Indians, mestizos and white poor people.[64]

Finally, free people inhabited *palenques* and *rochelas*. *Rochela* in Spanish means a crowd of noisy and messy people. In Caribbean Colombia, it was the name given by local authorities to spontaneous and scattered settlements established in the forests, hills and swamps along the Magdalena and Cauca rivers, and populated by runaway slaves, Indian, mestizo, black, *mulato*, and *zambo* men and women.[65] An estimated sixty thousand people lived in the *rochelas*. Some historians have classified these settlements as illegal, however, as historian Marta Herrera has argued, there was not a clear difference between places (*sitios*) and *rochelas* and there was a wide margin for interpretation that was used by the

[63] For an examination of this process and its regional variants in the Caribbean plains and the Highland provinces see Herrera, *Ordernar para controlar*, 95-98, for the Mariquita province see Hernán Clavijo, "El poblamiento y la territorialidad de Ibagué en el contexto provincial durante el siglo XVI," in *Compendio de historia de Ibagué* ed. Academia de Historia de Ibagué (Ibagué, Academia de Historia de Ibagué, 2003).
[64] See: Marta Herrera, *Ordenar para controlar*, Ch.2; Adolfo Meisel, "Esclavitud."
[65] For a description of rochelas see: Gerardo Reichel-Dolmatoff, Diario de viaje del P. Joseph Palacios De La Vega: entre los indios y negros de la provincia de Cartagena en el Nuevo Reino De Granada, 1787-1788 (Bogotá: Editorial ABC, 1955).

authorities. Reports described these settlements as places that did not follow the Spanish settlement customs, and whose inhabitants (*arrochelados*) displayed little observance of Catholic norms. These descriptions, however, were used as evidence to support the projects of relocation that I will describe in the next section.[66] *Palenques*, on the other hand, were not as numerous as they were in the eighteenth century, but many survived in the Cartagena province, along the banks of the Magdalena river, and in the province of Mariquita.

By the second half of the eighteenth century, the majority of settlements in New Granada were those originally intended for Spaniards and now inhabited by non-Indian people, such as cities, villas, parishes, places (*sitios*) and *rochelas*, instead of those intended for Indians, which had dominated the landscape in the seventeenth century. This trend acquired a larger magnitude along the Magdalena River. In the province of Cartagena, for instance, 60 percent of the settlements – excluding cities and *villas*, were for non-Indians.[67]

Free people occupied a wide range of activities. The common occupations were boatmen, porters, muleteers, peddlers, street and market vendors, artisans, innkeepers, laundresses, and food retailers, [68] but an important part worked in less common (and less surveyed) activities, such as traders, doctors, teachers, [69] clerks, notaries, [70] and even members of town councils such as *alcaldes pedáneos*[71] and even getting to be elected as *alcaldes ordinarios*.[72] In the rural areas, they worked as day- laborers in haciendas, farmers, fishermen and boatmen.

[66] Aline Helg, *Liberty & Equality*, 20-23. Herrera, *Ordenar para controlar*, 233-248.
[67] Herrera, *Ordenar para controlar*, 103,
[68] Helg, *Liberty & Equality*, 96.
[69] AGN, SC, Juicios Criminales, 79, 931-946, La Palma, 1777.
[70] AGN, SC, Empleados Públicos (Tolima), 1, 299-474, Honda, 1796-1808.
[71] AGN, SC, Empleados Públicos (Cundinamarca), 9, 570-689, Tocaima, 1760.
[72] AGN, SC, Empleados Públicos (Tolima), 15, 719-778, Timaná, 1763; AGN, SC, Juicios Criminales, 109, 512-649, Ibagué, 1793.

The predominance of a free labor force had specific political and economic implications. In the first place, it was not clear at all to which authorities the free population was subjected. In fact, one of the greatest anxieties of the imperial officials throughout the colonial era was to locate free people under a specific master, judge or, in other words, a jurisdiction. Slaves were under the authority of a master and Indians under the jurisdiction of the Corregidor, the priest and their Indian cacique. Free people, in contrast, did not have a master. Different authorities expressed the anxiety about this lack of jurisdiction across Spanish America and throughout the entire colonial era. As early as 1560, the *Reales Ordenanzas para Negros de la Ciudad de los Reyes*, dictated that free blacks should settle with Spanish masters and learn a trade.[73] In 1590, the viceroy of New Spain reported the presence of "dangerous and free Africans and mulattos, only capable of living as vagabonds, robbing and causing violence."[74] In order to control this population and collect tribute, he appointed *alcaldes mayores* and *corregidores*, two very different kind of officials, leaving ample space for interpretation and confusion on who had jurisdiction on this population. The *Recopilación de las Leyes de Indias* stated that every black man and woman, mulato man and woman, should pay tribute and live with a known master (*amo conocido*) in charge of collecting the tribute.[75] In 1745, the cabildos of the city of Ibagué, in the province of Mariquita, complained about "the presence of many different *mestizos*, blacks, *mulatos* and free *zambaigos*," that used "to commit offenses agaisnt God and damages to the vassals." The cabildo highlighted the many efforts they had made to make them live and hire out with a master so that they could receive doctrine, rearrange their

[73] Reales Ordenanzas para negros de la Ciudad de los Reyes, 12 de Octubre de 1560, in Richard Konetzke, *Colección de documentos para la historia de la formación social de hispanoamérica, 1493-1810* (Madrid: Consejo superior de investigaciones cientificas, 1962), I, 384.
[74] Cited in Bennett, *Colonial Blackness*, 114-115.
[75] *Recopilación de las Leyes de Indias*, Libro Cuarto, Título 18 "De los mulatos y negros."

lives, receive a salary and, lately, stop commiting crimes.[76] As historian Nicole von Germeten has argued, there was a myth of the "violent African vagabond" according to which blacks without masters would constitute a threat to the social order.[77] Freedom, in the context of this corporative and jurisdictional society, then, acquired the meaning of not having a "known" judge or master, in other words, to be a loose piece within the body politic.

The lack of a clear jurisdictional sphere had a correlated condition in the economic system. There were relatively clear legal mechanisms to extract labor from Indians through tribute, and from slaves through bondage, but the mechanisms for extracting labor from free people, in contrast, were not that clear nor regulated. Free people used to hire themselves out for a salary (*concertarse*), and, in some instances, signed a notarial instrument where they and their bosses recorded the terms of the agreement (*concierto*). In some cases they worked for a salary, [78]However, their mobility and relative possibilities to change jobs made it difficult for other vassals to compel them to work. Local authorities sometimes used legal means in order to extract labor from them. For instance, the complain of Ibagué's cabildos quoted above, was, in fact, a request addressed to the *Real Audiencia*, where the *cabildo* was asking for permission to force *mestizos* and free people of African descent to work for some estate owners of that region.

In conclusion, by the end of the eighteenth century the population of free people of African descent in New Granada comprised a very complex and diverse group of people that included recently freed slaves and those with freeborn parents or grandparents. They

[76] AGN, SC, Negros y Esclavos (Tolima) 2, 357-361, 1745.
[77] Von Germeten, *Black Blood Brothers*, 76.
[78] Hermes Tovar, "Orígenes y características de los sistemas de terraje y arrendamiento en la sociedad colonial durante el siglo XVIII: el caso neogranadino," *Desarrollo y Sociedad* 8 (1982).

occupied a wide range of positions in society from rural day laborers to rich urban traders,[79] and their presence and actions gave a particular imprint to space, governance, and labor in New Granada.

This complexity had a clearer expression in the region of the Magdalena River valley. As I mentioned above, the proportion of the free population in the towns located along this river exceeded by far that of the rest of the Viceroyalty's cities. The Magdalena River had a tremendous importance, as it was the only means to connect the viceregal capital with its port in the Caribbean. The ways in which the agents of the Spanish monarchy perceived the presence of this large population in what was the main artery of the Viceroyalty is the subject of the next section.

1.2. Free People: "an infinity of *castas* difficult to identify" and an Uncertain Source for the Happiness of the Empire

The growth of a population of free people of African descent was, then, an undeniable reality by the middle of the eighteenth century and authorities of different kind recognized it. In 1751, Antonio Berástegui, Santa Fe *Audiencia*'s *oidor* and judge in charge of *tomar residencia* of Sebastián de Eslava, first viceroy of New Granada (1739-49), positively reported that the viceroy had taken actions concerning the free people (*gente libre*) that inhabited the provinces of Cartagena, Santa Marta and the banks of the Magdalena River. According to Berástegui, free people lived licentiously in the forest (*monte*), without the proper Christian education, avoiding the Church annual precept and with no subordination to any priest or judge. Viceroy Eslava, reported Berásteguí, took care of these souls, whose salvation was at risk and whose children died without baptism, by

[79] This fact is incidentally mentioned by Aline Helg but not further analyzed. Helg, *Liberty & Equality*, 97.

resettling them in parishes naming priests and judges, and forming militias.[80] Expressed in a language that conceived of officials and judges as guardians of Christianity's orthodoxy, Berástegui's report started to articulate free people as principal objects of viceregal concern for New Granada's rulers. They were, in other words, problems of governance.[81]

Twenty years after Berástegui's report, another minister of the Audiencia referred to the augmentation of free people in the Andean highlands. In 1772, Antonio Moreno y Escandón, prosecutor of Santa Fe's *Real Audiencia* initiated a *visita* across the Andean provinces of Santa Fe and Tunja. One of the conclusions of his *visita* was that, he reported, there was a conspicuous population of "poor *vecinos*" living in the Indian *resguardos* and its margins, in such an extent that it was not possible to enforce the dispositions of the *Ley de Indias* that prohibited their cohabitation, regardless the fact that sometimes:

> These *vecinos* or people of color (*gentes de color*) have came to even outnumber Indians and try to exclude them from their towns, transforming them into parishes, because the mixing between them causes the termination of pure Indians, becoming *mestizos*, *zambos* and other different species, that are the most abundant in these countries and rural settlements.[82]

To support his conclusion, Moreno y Escandón observed that from a total population of 20,000 "souls" that inhabited the province of Tunja, 12,605 belonged to this "class." This observation was part of a wider project undertaken by this official and intended to reorganize Indian towns in the Andean provinces and relocate Indian towns

[80] Antonio de Berástegui, "Defensa del gobierno del Virrey Eslava," in *Relaciones e informes de los gobernantes de la Nueva Granada*, ed. Germán Colmenares. (Bogotá: Ediciones Banco Popular, 1989), I, 48-55.

[81] I draw on Michel Foucault's notion of problematization, according to which discursive and nondiscursive practices constitute something as an object of thought, whether under the form of moral reflection, scientific knowledge, or political analysis. This is not to say that discourse creates an object that does not exist, but is to recognize that discourse is not simply a representation of a pre-existent object. Michel Foucault, *Estética, ética y hermenéutica* (Barcelona: Paidós, 1999), 371.

[82] Antonio Moreno y Escandón, "Estado del Virreinato de Santafé, Nuevo Reino de Granada, y relación de su gobierno y mando del excelentísimo señor Bailío Frey don Pedro Messía de la Cerda," in *Relaciones e informes de los gobernantes de la Nueva Granada*, ed. Germán Colmenares. (Bogotá: Ediciones Banco Popular, 1989), I, 161-162.

with little tribute-paying population. For him, it was key to justify the relocation on the grounds of the growth of free people. It is necessary, then, to take Moreno y Escandón's observations with precaution, however, there were many other reports confirming his views.[83] In 1789, in his *relación de mando*, viceroy Antonio Caballero y Góngora also reflected on "the great number of free inhabitants," showing a great deal of concern about the fact that this was an "idle and wandering population." Caballero y Góngora's *relación de mando* was the first official report supported by demographical data: the 1778 Census.

The augmentation of free people, then, was a fact described in different provinces of the viceroyalty. For Moreno y Escandón, even though their poverty comprised a problem, free people of the Andean provinces also provided an excuse for implementing his project of restructuring and curtailing Indian *resguardos*. For officials in the Caribbean provinces and the banks of the Magdalena River, free people posed an urgent problem to solve. These officials portrayed them as highly mobile people with no respect for the ecclesiastical nor the temporal authorities, no interest for work or the Church, prone to run away, and now comprising the bulk of the population of the viceroyalty.

The challenge for New Granada's authorities became, then, how to deal with this growing population. Their answers revolved around two interrelated activities: relocating this population by congregating them into new towns; and naming new judges to rule over them. These two activities were shaped by the existent corporative and jurisdictional culture as well as by new ideas on governance, population and public happiness that circulated throughout the Spanish Atlantic during the second half of the eighteenth century. Colombian scholars have argued that the increasing attention these populations drew during

[83] These measures will create great discontent among the Indian population that will be expressed in the Comunero revolt, which is the topic of Chapter 5. The relocation projects have been extensively studied by Colombian scholars, see Herrera, *Ordenar para controlar* and Bonnett, *Tierra y comunidad*.

the eighteenth century is a direct cause of its demographical growth.[84] I argue here that even though that was an important factor, it was not the only one. The way different authorities imagined and dealt with this population was not only a product of the empirical observation of the population of free people's growth but it was importantly informed by changes in political thought and the emergence of new methods of governance affecting the Atlantic world. An analysis of the projects' goals and the language officials used in reporting them to the crown supports this conclusion.

In 1744, New Granada's viceroy, Sebastián de Eslava, appointed the newly arrived Spanish *maestre de campo*, José Fernando de Mier y Guerra, to resettle free people living in the lower Magdalena River Valley. De Mier's campaign lasted almost 20 years, during which time he founded 22 settlements and relocated approximately 80,000 inhabitants.[85] This was the first of many projects intended to deal with the "free people" living along the Magdalena River Valley. *Real Audiencia*'s *oidor* in charge of reporting the activities of viceroy Eslava described De Mier's activities. It is very telling that these activities were described in a section intended to report how the viceroy had taken care of spiritual matters during his office term. The *oidor*, Berástegui, explained how Eslava took actions on free people as part of a wider project for eradicating idolatry and taking care of the salvation of their souls, given that he had been told about "the worship this people offered to a deity which they obstinately kept adoring." The Christian vocabulary also helped Berástegui to explain the reasons why this population resisted relocation. According to him it was their upbringing, clumsiness and licentious freedom, or inducements of the devil, to whose empire, these measures gave the toughest war." In this way, the first massive relocation

[84] Herrera, "Libres de todos los colores," 10.
[85] Helg, Liberty & Equality, 31.

project of which scholars have sources was presented as a war against the devil and as a defense of Christian orthodoxy.[86] Herman Bennett has recently argued that seventeenth-century New Spain's authorities were more invested in achieving Christian orthodoxy than in restricting the mobility of slaves and free blacks. De Mier's relocation project and the way Berástegui described this population might be evidence of how mobility of free people became a concern for viceregal and local authorities, but it was initially articulated as a project aimed at achieving Christian orthodoxy. Religious language would gradually shift to a language that stressed the wealth and wellness of the Republic and the service to the State, as following reports will show.

Another aspect in which Eslava, according to Berástegui, took great care was assigning judges to each new town and forming militias. These actions made clear the need of the authorities to put this population under the undisputed jurisdiction of a judge, and also demonstrated the potential free people had, in their view, as militia recruits and labor force:

> A person in charge of distributing justice was assigned and four priests were put in charge of the spiritual care of these sheep, … an *alcalde pedáneo* was establish in each town and a militia company was established too … and … this people put in the service of the country may be of great help in any attack of enemies or to work in Cartagena, as it had been the case before. [87]

Thirty years after De Mier's campaign started, another massive relocation project took place. From fours years (1774 to 1778), Lieutenant Colonel of the Spanish Army Antonio de la Torre y Miranda traveled across the Caribbean plains and main New Granada's rivers in order to relocate the approximately seventy thousand people that, according to the authorities, lived dispersedly in the forests, hills and along the Magdalena

[86] Bennett, Colonial Blackness, 51.
[87] Berástegui, "Defensa," I, 51-52.

and other rivers of the region, outside the reach of the authorities and whose way of life was "very harmful for the State." He had arrived in Cartagena in 1772 in charge of reorganizing the militia of the city and after very successful work, the provincial governor charged him with this urgent matter. We know about De La Torre's travels because after this period he returned to Spain in 1786 and, in order to request an increase in his pension, wrote and published, in 1792, the journal of his travels. This 80-page book offers a detailed account of De la Torre's travels, descriptions of the landscape and the people as well as the ideas behind this resettlement project.

De La Torre's method consisted in founding new settlements and relocating this population in the new towns. During four years, De La Torre traveled the area, founded 43 towns and relocated, according to his account, 43,133 "souls." The relocation of people was not, in any way, unique to New Granada nor to the American colonies. Even though it had obvious antecedents in the Spanish colonization of the Indies, this project explicitly draw inspiration, as De La Torre himself pointed out, from the Bourbon relocation project that took place in Spain two decades before. In 1767, King Charles III had commissioned Pablo de Olavide to found three towns in the Sierra Morena, to be populated with German colonizers. This project was intended to serve three goals: to populate deserted zones, to ensure security and public order along the route from Seville to Madrid, and to form a model society. [88] According to De La Torre, the Sierra Morena used to be an abandoned

[88] This relocation project is analyzed by Gabriel Paquette as an expression of Bourbon Regalism, see Paquette, *Enlightenment*, 87-92.

desert inhabited by just few shepherds and many bandits, but now it was a very productive area with plenty of "industrious inhabitants laboring in the fields."[89]

De La Torre traced a parallel between the Spanish Sierra Morena and the plains and valleys of Caribbean New Granada. For him, they both were deserted places inhabited by "useless" people outside the authorities' gaze. However, interethnic mixing added a problematic factor regarding the inhabitants of the Magdalena River:

> For the establishment of these towns, I took the majority, with much effort from the inhabitants of the same province, the descendants of the military and naval deserters, the numerous stowaway who without license or job passed to these dominions, of the black male and female runaway slaves and of others who, having committed some homicides or other crimes sought shelter from their excesses by dispersing in order to free themselves, some from punishment and others from servitude, having among them many Indian men and women who, mixed with mestizo, [and] black and mulatto women, propagated an infinity of *castas* difficult to identify.[90]

For De La Torre, then, the free population was characterized by its racial mixture that rendered it impossible to classify and for having origins in "all kinds of people" whose only common denominator was to live outside "the society." De La Torre, thus, traced a relation between racial mixture and illegality.

As explained in the first section, the population of free people had been notoriously growing and settling outside the reach of civil and ecclesiastical authorities for almost four decades before De La Torre's expedition. De Mier himself had denounced free people for settling inside the haciendas he had recently bought and he undertook many efforts to expel them. Other officials had also reproached free people's participation in contraband, which represented an enormous problem for the crown and which was particularly large and

[89] Antonio de la Torre Miranda, *Noticia individual, de las poblaciones nuevamente fundadas en la provincia de Cartagena, la mas principal del Nuevo Reyno de Granada* (Santa María: Printed by D. Luis de Luque y Leyva, 1794), 15.
[90] De la Torre Miranda, *Noticia individual,* 15-16.

persistent in the Magdalena River. Furthermore, problems were not exclusive to the Caribbean province of Cartagena, as many reports from local officials from the interior province of Mariquita had also reported to the *Real Audiencia*. In 1777, for instance, Juan Felix Ramirez de Arellano had reported that the inhabitants of his hacienda in the Chipalo River were mostly free people and who according to him, lived in total disorder:

> With total disregard of God and the King's law, they live up to their wills, committing uxoricides, murders, robs, adulteries and other bestialities, […] all because these towns live freely and without judges.[91]

Free people of African descent were definitely posing problems to authorities and some measures had been taken but on a case-by-case ground. De la Torre himself had remarked that, in the case of Cartagena's province, former authorities did not do anything to stop this situation, ignoring it or even taking advantage of it. It was not until the 1780s that relocation as a method to deal with free people gained a vast prominence. The question arises then as to why free people became a problem for the Spanish officials only in the middle of the eighteenth century?

The combined effect of imperial competition, changes in the political thought, and a growing local pressure over land and labor provided the conditions needed for this change in attitude to happen. On one hand, European empires, particularly the English and the French, were taking advantage of the many pockets inside the Spanish empire that were outside the reach of the authorities. The British, in particular, were seeking to forge alliances with New Granada's unconquered Indigenous peoples and free blacks in order to smuggle their goods. Viceregal officials, then, feared free people might join them. This fear went hand in hand with military campaigns launched against "the nations of barbarian

[91] AGN, SC, Empleados Públicos (Tolima), 2, 193.

Indians."[92] In this context, free people came to be seen as a threat to the finances and the security of the whole empire.

On the other hand, the mid-century saw the consolidation of enlightened ideas according to which the wealth of the kingdoms should be obtained by augmenting the population and improving agriculture and commerce. Spanish political writers insisted that a good government should seek the happiness of his vassals, public happiness, and that condition would be reached by increasing both subjects and goods. Pedro de Campomanes, president of the *Consejo de Castilla* during the reign of Charles III, argued that "the greatest happiness of a republic consists of being very populated, and an abundant population is the greatest treasure that a prince could ever desire"[93] These ideas circulated widely across the Spanish empire, and shaped the minds of not only high ministers in Madrid but also of viceroys and other agents of the Spanish crown. In 1772, Moreno y Escandón, the Fiscal of Santa Fe's *Real Audiencia* and the official in charge of relocating Indian towns in the provinces of Santa Fe and Tunja insisted on the importance of population and its proper knowledge:

> The political direction and economic government of almost all these settlements are very defective, as the number of inhabitants, their *calidades*, classes, and means of life are ignored; there is no survey on traders, houses, streets; and public places are not numbered.[94]

In 1789, almost twenty years later, the population seemed to continue worrying authorities and political writers, Francisco Silvestre, in his *Descripción del Reino de Santa Fe de Bogotá* said that "the viceroyalty of Santa Fe was one of the poorest in América, and at the same time one of the richest. It lacks population in relation to its extension. Yet if

[92] Helg, *Liberty & Equality*, 27-31; Weber, *Bárbaros*; Herrera, *Ordenar para controlar*, Ch.6.
[93] Quoted by Paquette, *Enlightenment*, 58.
[94] Moreno y Escandón, "*Estado,"* I, 163.

arranged and put it to work, this population could make it … one of the most powerful."[95] In the 1800s the size of the population continued to be a matter of reflection, the authors of the *Semanario del Nuevo Reyno de Granada*, one of the first serial publications of the viceroyalty that became to be the main means expression of creoles' political and scientific opinions, stressed the "lack of arms" and the need of more accurate statistical knowledge.[96]

For Spanish and creole political thinkers, the pursuit of population growth was closely related to the encouragement of commerce by virtue of three ideas. First of all, demographic growth might be fostered by the introduction of industry; second, commerce attracts population, which in turn, incentives commerce; and lastly, commerce and a depopulated state was more vulnerable to invasion by enemies.[97] Commerce, for instance, was crucial in shaping a new policy towards unconquered Indians in the fringes of the Spanish empire. In the last quarter of the eighteenth century, Spanish authorities offered independent Indians access to trade, goods and cooperation against mutual enemies in northern New Spain, the Argentinian pampas and Chile. In New Granada, this strategy was envisaged and used by viceroy Caballero y Góngora with the Indians of the Darién region.[98]

Ideas on the importance of population and other enlightened principles were also present in De La Torre's account; in fact, he was very emphatic in this respect from the outset and framed his efforts guided by these principles:

> It is generally accepted as one of the key principles beneficial for the State, the increasing of the population, the facilitation of communication, both internal and external correspondence, by water and land, with other

[95] Francisco Silvestre, *Descripción del reyno de Santa Fe de Bogotá* [1789] (Bogotá: Universidad Nacional de Colombia, 1968), 113.
[96] Nieto, *Orden Natural*, 181-186.
[97] Paquette, *Enlightenment*, 64.
[98] Weber, *Bárbaros*, 192-205.

> provinces or kingdoms, the promotion of agriculture, industry and mineralogy, they truly are the principles upon which the wealth, opulence and happiness of the Kingdoms are based. [99]

In this way, the relocation of free people was justified as a means for producing wealth. The authors stressed the importance of organizing this population and putting them to work in agriculture, in order to produce goods for commerce. In this context, De La Torre's description of free people clearly stresses those behaviors related to their alleged unwillingness to work:

> They did not take care of themselves, nor covered their bodies, living with the greatest abandonment, neglect and laziness, given to drunkenness and other vices, typical of a free life, lacking of spiritual care.[100]

He repeatedly argued that free people were "always running away from society," and that they were "useless and harmful for the state" Freedom is referenced by using words such as "dispersión," "abandono," "distancia," "libertinaje," "ociosidad," and "desidia." These are, of course, adjectives designating qualities opposed to those needed in a good worker. In contrast, De La Torre portrays these same people in a different and now positive light; after the relocation, he says, they now "happily recognize the benefit they got, and encouraging one another, they farm a very productive land"[101]

De la Torre, thus, recognized that even though free people were unclassifiable, and lawless, they had potential to become "industrious subjects," fully integrated to society, meaning they were people from whom to extract taxes and mostly labor and agricultural and manufactured goods for trade. In this way, De La Torre and other officials assigned

[99] De la Torre y Miranda, *Noticia Individual*, 3.
[100] De la Torre y Miranda, *Noticia Individual*, 38.
[101] Ibid., 38, 72.

free people of African descent a very specific role in the enlightened pursuit of the public happiness as the main source of a labor force. Their place in the Spanish empire then, is shaped by the intersection of new ideas of government that sought public happiness but also the developing idea growing sense of the American dominions as colonies.

The interaction of these two ideas in the production and circulation of images of free people of African descent across the Spanish empire can be seen in the *Diccionario geográfico- histórico de las Indias Occidentales o América*. This dictionary, written by Dionicio de Alcedo, a creole born in Quito, was envisioned as the work that would fill the need for a universal history of the Americas. Alcedo wanted to offer the reader a comprehensive view of the history and geography of the Americas and considered that the most organized, accessible, and systematic method would be through a dictionary.[102] Alcedo, as well as De La Torre, explicitly subscribed to the enlightened views that stressed the importance of commerce and agriculture as the main sources of wealth. From the outset, Alcedo explained that the History of the Indies had become the object of interest for all the European nations that, seeking to foster commerce and aware that the Indies were the source of their wealth, were eager now to learn about the Indies' geography, customs, products and navigation. In saying so, Alcedo followed the emergent idea according to which the American Spanish dominions had to play the role of colonies instead of kingdoms with equal rights.

Alcedo, then, pays particular attention to potential resources for commerce and agriculture and spends many lines describing the foodstuffs and manufactured goods

[102] Alternating his military career with the compilation of this massive work, Alcedo assembled existent information with his own empirical observations and published it in 5 volumes between 1786 and 1789. Alcedo's Dictionary offers a description of almost every town, river, lake, geographical accident and Indian nation in the Americas. Antonio Alcedo y Herrera, *Diccionario geográfico- histórico de las Indias Occidentales o América* (Madrid, 1786-1789).

produced in each town. The descriptions of the towns along the Magdalena River are very telling in this respect. About Honda, for instance he said: "It is of hot temperature, but healthy, although infested with mosquitoes. It is very rich and fertile in cacao, sugar-cane, tobacco, maize, and the other fruits of a warm climate".

Regarding the people, Alcedo pointed out the existence and predominance of free people in almost every town. However, he referred to them by denoting the difficulty for classifying them. Purnio, for instance, was described as "an aggregation of people of all kinds." In other entries he would use the term "All kinds of people," or "mostly inhabited by people of color." It is noteworthy that this is not the way he recorded New Spain's population. When describing New Spain's towns, he presented the information arranged by racial categories and distinguishes between *mulatos*, *mestizos* and blacks. In the towns along the Magdalena River, this was never the case. On the contrary, he depicted the free population as an unclassifiable crowd.

Alcedo traced a relationship between the predominance of free people with poverty, that is clear, for instance, when describing Tenerife, "nowadays rendered a miserable town only inhabited by people of color." That seems to bear relation with their "laziness", according to Alcedo they "are very poor, lazy and idle people, dedicated, with little effort, to farm the land."

Using a different perspective from that of De La Torre by not relying on experience but on already established knowledge, and intending to offer comprehensive information, Alcedo contributed to fixing the image of free people as a crowd of racially mixed, lazy, and poor people. This portrayal contrasted heavily with the abundance and fertility of all these towns and traced a relation between blackness, laziness and poverty.

In this way, different Spanish officials that were to deal or describe free people of African descent did it subscribing to the language of enlightened governance. They stressed the potential of free people because of their demographic weigh, but at the same time complained about those characteristics that, according to the officials, made free people not productive. These characteristics, behaviors and ways were, in part, explained by their blackness and their freedom and were expressed in moral terms. Finally, the methods devised to deal with them involved the forcible relocation and the naming of new judges to control them and make them useful vassals. However, free African descendent vassals did not enjoy the same status of the other vassals. They would be incorporated into the imperial production of happiness as colonized subjects whose role was to produce happiness for others.

In this sense, the notion of population, the importance of mathematical and statistical knowledge, the renovated prominence of commerce and agriculture and the idea of public happiness were key to this process.[103] These notions intersected with the corporative and jurisdictional nature of the Hispanic monarchy by producing projects that sought to reorganize this population and clarified which judge would have jurisdiction and authority over them. This chapter examined different projects intended to relocate free people living along the Magdalena riverbanks and the interplay of these ideas. In this way, this chapter reflects on the process by which imperial concerns met with local changes, the projects envisioned to deal with this population and the ideas about governance, freedom, and blackness that gave foundation to them.

[103] This is not to say that the governance of free people was something new, but it took form in the midst of a process of transformation that included old and new elements.

Conclusion

This chapter has offered evidence for the ways in which the population of free people of African descent people grew to become, by the second half of the eighteenth century, a significant sector of the population of each viceroyalty. This process was accentuated in New Granada, whose demographic, geographical and political patterns allowed for the formation of one of the largest populations of free people in Spanish America. The population of free people was highly diverse, it comprised isolated communities of black people with larger African influences in the Pacific lowlands, to highly mixed populations of *mulatos* and *zambos* in the Caribbean plains and the inter-Andean valleys, to those people incorporated, in different degrees and ways, into the Spanish cities. Their socio-economic conditions also varied greatly, ranging from very poor rural workers to urban artisans to rich *pardo* traders.

This population became an object of rule for the viceregal and local authorities in the second half of the eighteenth century. The way the Bourbon officials saw this population was deeply framed by the corporative and jurisdictional organization of the body politic and the arrival of new ideas on population and governance. In this way, the free population was conceived as a mobile and loose sector of the society, precisely because it did not have a very clear place in the arrangement of the bodies and collectivities, vassals with "unknown" masters or judges and no attachment to a specific place. Enlightened ideas started to shape this image, to a greater extent, by the last quarter of the eighteenth century, stressing, instead of those idolatrous behaviors that so much worried Berástegui, those moral features that made them not suited for work. Enlightened ideas also imbued the authorities with a rising awareness of the importance of the size of the population and started to more clearly view free people as potential recruits and

laborers, perhaps not as well-suited as the German colonizers of the Spanish Sierra Nevada, but potentially useful through the actions of the state.

Regardless of the diversity of the free people, and regardless of the negative views among the authorities, this mainly creole population developed a deep-rooted tradition of engaging with Spanish institutions, which is the subject of following chapters.

CHAPTER 2

Pardo Traders in the Body Politic

In January 1795, Pedro Antonio de Ayarza, *vecino* and *natural* of Portobelo of *calidad pardo* and captain of the *pardo* militia from the same city, addressed a petition to King Charles IV, asking to be granted the title of Don. This title would guarantee that Ayarza's three sons could finally obtain the university degrees they were already pursuing in Santa Fe, the viceregal capital, and that had been denied by the university and, denied a second time by the viceroy. Displaying deep judicial knowledge, Ayarza argued that even though the law supported the decision of the viceroy, he knew the King had the power to make an exception in his particular case:

> Considering the mercy with which Your Majesty treats those vassals who serve God and the Monarchy, I have determined to attend before your Royal Piety, in order to appeal to your kindness as a Universal Father and request that you grant my sons with the grace of habilitating them to obtain the degrees they are seeking.[1]

Enslaved Africans and their descendants had accepted and used the notion of rights, privileges and grants as rewards that the king gave to his vassals in exchange of their services and fidelity from early on. Since the fifteenth century, enslaved subjects addressed requests to the king asking for privileges on the grounds of, for instance, the military services given to the Crown in the Spanish settlement; the fighting against autonomous indigenous groups, European rivals, or maroons; and as members of the militia in general.[2]

[1] Letter of Pedro Antonio de Ayarza to the King, transcribed by John T. Lanning, "The Case of José Ponseano De Ayarza: a Document on the Negro in Higher Education," *The Hispanic American Historical Review* 24 No. 3 (1944): 439.

[2] Scholars have demonstrated the use of military service as an argument for requesting rights and exceptions to the King from the early years of the Spanish conquest and for different territories of Spanish America.

Ayarza's words, thus, expressed a long tradition of claims-making grounded on the idea of a mutual contract with the King, according to which the King's role was to reward his vassals' loyalty and services.[3] Furthermore, this petition expressed a sharp awareness of the ways in which casuistic law worked. Ayarza made clear that older decrees had banned people of his *calidad* from entering the university, but he also knew that the King could grant exceptions on a case-by-case basis. In this case, Ayarza's membership to the militia and his trading activities provided him with arguments to request this exception. According to him, he had gained a "good reputation," "well behavior" and "trust by his superiors" in his trading activities with Cádiz, Panama and Cartagena.[4] In other words, Ayarza was requesting to be recognized as a *pardo* vassal different from the other *pardo* vassals.

Ayarza was part of a growing group of individuals of African descent that by the eighteenth century had carved out, through their occupations, a prominent social place in the colonial societies that allowed them to claim rights and privileges usually granted to white elites. Even though prohibited by the law, people of African descent did engage with activities that enable them to build modest fortunes and enjoy a relatively high social status. They became doctors, members of the militia, priests, teachers, and public officials (not just notaries but even members of *cabildos*). These occupations were, indeed, important avenues for upward mobility. However, there was another key path that has not been fully

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David Wheat evidences Africans' role in the military settlement of fifteenth-century Caribbean; Ben Vinson examines the importance of the militia service in the requesting of rights in eighteenth-century New Spain; Ann Twinam analyzes the use of military service as a support in the requests of *gracias al sacar*; and David Sartorius explores the militias in nineteenth-century Cuba. See: Wheat, *Atlantic Africa*; Vinson, *Bearing Arms*; and Twinam, *Purchasing Whiteness*; David Sartorius, "My Vassals."

[3] The petition of Ayarza was classified as a specific kind of request, a *gracias al sacar*, which meant granting an exception to the limitations of having a *calidad* of *pardo*. Ann Twinam extensively analyzes these cases that occurred particularly in the last quarter of the eighteenth century. See, Twinam, *Purchasing Whiteness*.

[4] Lanning, "The Case of José Ponseano," 440.

studied, at least not for colonial Spanish America: commerce-related activities.[5] Maritime ports, such as Portobello, as well as fluvial entrepôts and viceregal and *audiencia*'s capitals offered significant opportunities for free people of African descent to engage in such activities. Even though some trades were almost totally closed, such as *cargadores de Indias*,[6] others such as the internal retail trade in Castilian goods, allowed free people to not only make a living, but also build "respectable reputations"[7] in the communities of which they were members and made significant fortunes.

Even though this group comprised a very small proportion of the entire African descended population, the visible and active role they played in the communities, the social networks they forged and their material capital allowed them to become essential figures in different political processes. Recent studies have evidenced their key role pushing for equality to be included in the first republican constitutions, participating in the independence armies and then engaging in politics during the first decades of the Republican period.[8] However, their political culture before the advent of political modernity and during peace times is less known. As Ayarza's case shows, these *pardos*

[5] In *Purchasing Whiteness*, Ann Twinam signals the emergence, by the beginning of the eighteenth century, of a "select group of *castas* with credentials to secure some of the privileges of whiteness." This credentials, according to the author, were acquired through four main instances: attending university, holding public offices, practicing occupations such as notary public, and entering to priesthood. The author, however, fails at addressing the importance of commerce as another instance for up-ward mobility, even though many of the cases she analyzes are *pardo* traders. See: Twinam, *Purchasing Whiteness*, Ch.3. The important engagement of free people of African descent with trade activities has been explored for other European colonies such as Saint Domingue, see Stewart R. King, *Blue Coat*.

[6] Name given to the Spaniards who imported European goods to the colonies. This trade operated as a monopoly granted by the King. Anthony McFarlane indicated the case of Francisco Joaquín Barroso, a Cartagena's trader who attempted to enter this corporation and was highly opposed by the *Universidad* members on the grounds that he was American and mulato. McFarlane, *Colombia Before Independence*, 260.

[7] Reputation was the public image of an individual or a group. See Real Academia de Historia, *Diccionario de Autoridades* (Madrid: Imprenta de Francisco del Hierro, 1729-1736).

[8] Colombianist scholarship lacks studies focusing on traders, but Alfonso Múnera mentions their participation in Cartagena's Independence; Marixa Lasso has also showed how some of them participated in politics and Muriel Laurent, whose work focuses on commerce and race in Mompóx analyses the case of a pardo trader deeply involved in politics. See: Múnera, *El fracaso;* Lasso, *Myths*; and Muriel Laurent, *Contrabando, poder y color en los albores de la República: Nueva Granada, 1822-1824* (Bogotá, Universidad de los Andes, 2014).

possessed a deep legal knowledge and were prone to push harder for what they considered to be their rights as prominent members of the community. This chapter argues that commercial activities provided *pardos* with, first, material resources, both in the form of capital and social networks; second, with a deep legal knowledge; and third, a membership to an activity configured along the lines of a corporate body, whose members enjoyed a degree of privileges, honorability and credit among the community. These two features allowed some *pardos* (though not all) to publicly claim a *pardo* identification that was not seen, in any way, as an obstacle to also claim to be part of the *patriciado*. For them, being traders gave them the foundation to claim to be honorable neighbors and prominent members of the "Republic" despite their blackness. Commerce, in this way, shaped their vision of social status and the way they publicly reframed their *pardo* identification in order to claim a particularly important role in the body politic. Commerce shaped the way *pardos* related to the state.

Historian Ann Twinam has recently called upon scholars to complicate Frank Tannenbaum's ideas on citizenship as the key stage in the movement from bondage to freedom for slaves. Twinam argues that this transition was a fundamental one, but intermediary stages better explain the particularities of the African Diaspora in the Spanish empire. It was, she rightly indicates, the transitions from slave to free person and then from free person to acknowledged vassal that proved to be critical intermediary stages.[9] I focus on this second stage and analyze this transition by exploring how these *pardo* traders attempted to gain or consolidate their acknowledged status as vassals precisely by using or claiming privileges given to traders. What was it to be a vassal for people of African descent? What was it to be a *vecino*? A patrician? How did these definitions intersect and

[9] Twinan, Purchasing Whiteness, 57.

interact with ideas of blackness and commerce? What kind of vassal was a trader? What kind of subject was a black trader? What were their rights? These are the questions I try to answer in this chapter.

The first section of this chapter provides a panoramic view of commerce in the viceroyalty and in the riverine port cities. In this sense, the landscape of this chapter is mainly urban; it focuses on cities and *villas* that played important commercial and administrative roles in the viceroyalty. It was precisely this riverine urban setting that provided the social, economical and political conditions for the formation of a group of *pardo* traders. The second part analyzes the documentation left by a conflict between two *pardo* traders in Honda, reflecting particularly on the ways in which they related to the category of *pardo* and the ways in which they viewed themselves in relation to the body politic and to the Spanish monarchy.

2.1. Riverine Ports of the Magdalena River

The capital of the viceroyalty of New Granada, unlike those of the other viceroyalties of the Spanish empire, was located far distant from the coast. In addition to this long distance, Santa Fe had only one route of communication with Cartagena: the Magdalena River. This route comprised both fluvial and land sections as the river did not flow into the sea at Cartagena but rather some miles to the northeast, nor did it directly pass Santa Fe. Both cities had to communicate with the river indirectly over land. However, the fluvial section was the largest, least modified throughout the centuries and the most decisive and arduous portion of the trip. People and commodities arriving from the Atlantic and going to the capital disembarked at Cartagena, took an overland trip to the river and from there took a boat upriver to the port city of Honda. There, people and goods would disembark again, cross the river, and start a four-day mule ride through the mountainous

and muddy paths to reach the high plateau 8,612 feet above sea level where Santa Fe is located.[10]

The fact that this route was chosen as the main way to connect the capital with the Atlantic Sea was not merely an outcome of geography; it was also the product of politics. During the first decades of the Spanish settlement, *encomenderos* residing in cities located far from the river proposed that the *Real Audiencia* should turn to alternative land routes that would pass by such cities, but the power balance inclined to favor the Magdalena River as the official way.[11] The choice of this route resulted in Santa Fe looking northward to the Caribbean for its connections with the metropolis, and it was tremendously dependent on the Magdalena River. It also resulted in the settlements on the river acquiring a massive importance as administrative centers, commercial hubs, and places of vibrant social life. Two of them, Mompóx and Honda, were particularly important, and they came to compete with the heads of their provinces. The former almost rivaled Cartagena's commercial and political prominence at the end of the colonial era, and the latter came to play the role of Santa Fe's port and displaced the city capital of its province, Mariquita, in both commercial and political importance.[12]

Even though these cities were located on the same river, their landscapes varied significantly. The headwaters of the Magdalena River are in the south of present-day Colombia, where the Andes separates into three subranges: the western, the central and the eastern *cordilleras*. From there, the river runs north between the central and the eastern

[10] For a description of the trip see Humboldt, *Extractos*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm.

[11] One proposed route would have gone through Venezuela to the Gulf of Maracaibo, and another was through Peru and Panama to the Pacific Sea. For a detailed analysis of these proposals see León A. Ybot, *Los trabajadores del Río Magdalena durante el siglo XVI. Geografía histórica, economía y legislación del trabajo (según documentos del Archivo General de Indias)* (Barcelona, s.n., 1933)

[12] Mariquita remained the head of the province but the governor moved his residency to Honda.

subranges, descending along a rather gradient forming narrow straits. After 156 miles, the gradient becomes gentle and the widening river runs along a green and fertile valley located at 100 meters above the sea level. After about 200 miles and after having received the water of tributaries, the river gets to the Caribbean plains, close to Mompóx, forming a highly intricate web of channels (*caños*) and swamps (*ciénagas*). The topography of the river, then, varies greatly from its initial phase, where it is a small stream running through straits, to its middle part when it runs through green valleys and to its final portion when it gets to the plains.[13] In this journey, Honda is located in the deep green valley surrounded by high sandstone peaks while Mompóx is located in the dry, flat and flood-prone Caribbean plain. These differences can be seen in two watercolors painted by Edward W. Mark, an English diplomat who traveled the Magdalena River in 1846. Although painted half a century after the events here analyzed, the author captured the topographic and geographical differences of the river and the cities (see Image 1 and 2).

This geographical difference determined differing characteristics between the two cities, the most important of which was that Mompóx, and cities in the Caribbean area in general, were more dependent on fluvial transportation than cities in the interior valley, such as Honda. Spanish settlement was also slightly different. Mompóx was officially founded as a settlement for Spaniards in 1537 and since then it was prominent place among the Spanish urban network. [14] Honda, in contrast, did not start as a city but as an unplanned settlement inhabited by Indians (working in navigation), *encomenderos* and traders. It was

[13] For a study of the Magdalena River's topography see Acevedo, *El río Grande de la Magdalena,* 55-101.
[14] There is a debate around this date. The official date is 1537 but recent studies have argued that it was not until 1540 that the foundation was made official. See Giovanni Di Filippo Echeverri, *La independencia absoluta: Santa Cruz de Mompox: algo del pasado, para el presente y por el futuro* (Mompóx: Gdife, 2010), 25-32.

only a century after Mompóx' foundation, when Honda became the residence place for many Spanish *vecinos*, that the King granted Honda with the title of *villa* in 1640.[15]

Image 1: The Magdalena River and Mompóx[16]

Image 2: Honda[17]

Despite these differences, however, both cities shared many economic and social characteristics. Both cities derived their importance from a strategic location at the confluence of different rivers and pre-colonial land routes. In fact, during the first years of

[15] Roberto Velandia, *La villa de San Bartolomé de Honda* (Bogotá: Editorial Kelly, 1989).
[16] Source: "Mompóx en el Magdalena," watercolor by Edward Walhouse Mark (1846), taken from *Colección de arte del Banco de la República*, http://banrepcultural.org/coleccion-de-arte-banco-de-la-republica/obra/mompox-en-el-magdalena.
[17] Source: "Puente sobre el Gualí," Watercolor by Edward Walhouse Mark (1846), taken from *Colección de arte del Banco de la República*, http://banrepcultural.org/coleccion-de-arte-banco-de-la-republica/obra/puente-sobre-el-gual%C3%AD-0.

the conquest, the *encomenderos* of both cities profited mainly from using Indian labor and their knowledge of the navigation of the rivers.[18] Both cities became the obligatory stops for all the travelers going to Santa Fe as well as the entry port for all the trans-Atlantic trade, both legal and illegal, as well as the main stops in the routes either heading southwest to the provinces of Antioquia or Chocó, or heading east to the eastern highland provinces of Vélez and Tunja.[19] Both cities were also situated close to mining centers, which contributed to make them important redistribution centers for the internal markets and places for reception of gold. Finally, during the eighteenth century, important clusters of Spanish traders took residence in both cities, becoming, thus, two of the most powerful commercial centers in the viceroyalty.

Both cities comprised key nodes for the imperial apparatus in various ways. In 1789, creole political writer Francisco Silvestre explained the importance and strategic location of Mompóx for commerce in language that could have also applied to Honda:

> [Mompóx is a] port or stop that is located on the banks of the Magdalena River, where all the Spanish commodities coming from Cartagena and Santa Marta, as well as the foreign goods Spain illegally traded, are introduced to the interior provinces of the viceroyalty. This city, as well as Tenerife, provides all the vessels for navigating the Magdalena and the Cauca rivers.[20]

Mompóx and Honda were seat of several royal offices. Besides having larger bodies of municipal governance, they were also seats of crucial royal offices such as the *Reales Cajas*, the Postal Service, and the most important royal monopolies in New Granada, such as the tobacco and the *aguardiente* ones. In addition, they occupied the same place in the

[18] Vladimir Daza Villar, *Los marqueses de Santa Coa: una historia económica del Caribe colombiano, 1750-1810* (Bogotá: Instituto Colombiano de Antropología e Historia, 2009), 55; and Ángela Guzmán, *La ciudad del río, Honda* (Bogotá: Editorial Universidad Nacional, 2002).
[19] Laurent, *Contrabando,* 17.
[20] Silvestre, Descripción del Reyno, 55.

hierarchy of the urban Spanish imperial system in that both were *villas*, neither were provincial capital and both resented the authority of the capitals to which they were subjected and, in the case of Honda, even disputed it.

High-ranking officials usually visited both cities because of their location on the river as obligatory stops in the trip from Cartagena to the capital. Mompóx and Honda's elites hosted powerful visitors and travelers, enjoying the advantages of face-to-face relations that allowed them to address requests directly to the *Audiencia*'s presidents, *oidores*, viceroys, and archbishops, among others. A case that illustrates this close relation with imperial authorities and the political practices it allowed was the stop in Honda of Charles III's visitor general, Juan Francisco Gutiérrez de Piñeres. In 1779, in his travel from Cartagena to Santa Fe, he stopped in Honda for a week. When he finally arrived to the capital, he started receiving requests from his Honda hosts, such as one from the province of Mariquita's governor (gobernador),[21] who resided in Honda, and who was asking him to appoint his son-in-law to an office.[22] Another illustrative case occurred in Mompóx when the *Marqués* of Santa Coa asked the viceroy to help him with some inheritance issues after alluding to the fact that he had hosted the viceroy.[23] This face-to-face relation benefited wider social sectors, as evidenced by the case of a slave woman of Mompóx who directly petitioned the viceroy for freedom for her husband.[24] Riverine political life, then, unraveled in cities whose location, although remote from the capital, provided their inhabitants with a

[21] The viceroyalty of New Granada was divided into smaller units called *gobernaciones* or *provincias* that in turn encompassed a varying number of cities, *villas* and towns. *Gobernaciones* were rule by a representative of the King, directly named by the viceroy, called *gobernador*. He was the first instance judge in the province and had voice in the cabildos' elections and decision-making processes. For an explanation of New Granada's political organization see Marta Herrera, "Las divisiones político-administrativas del virreinato de la Nueva Granada a finales del periodo Colonial," *Historia Crítica* 22 (2001).
[22] Correspondence of Juan Francisco Gutiérrez de Piñeres, May 26, 1778, AGI, Santa Fe, 659, No. 41.
[23] "Demanda del marqués de Santa Coa contra el maestre de campo Fernando de Mier por injurias, 1757, Mompóx, AGN, SC, Juicios Criminales, 188, 884-905.
[24] AGN, SC, Negros y Esclavos (Antioquia) 4, 1054-1061, Mompóx, 1777.

close relation with high-ranking officials and whose inhabitants developed an awareness of their rights and place in the viceroyalty.

Finally, another common and central characteristic is that both cities presented a significant predominance of free inhabitants of African descent. According to the 1778 census Mompóx had 7,197 inhabitants of which 74.3% were classified as *libres de todos los colores*. These figures revealed Mompóx as the city with the largest population of free people among New Granada's Caribbean cities. The white population comprised 12.9%, slaves 11.7%, and Indians 1% of the total population. In Honda, even though not to the extent of Mompóx, free people were clearly the majority. According to the same census, out of 3,073 inhabitants, free people comprised 61.6%, followed by enslaved people who comprised 18.1%, whites 16,7% and Indians 2,67%.[25] In this context, the presence of *pardo* traders was a shared feature of these two cities. The identity of these *pardos* and their role in New Granada's commercial system is addressed in the next section.

2.2. Commerce, Merchants and *Pardo* Traders in the Magdalena River

2.2.1. The Viceregal Commercial System

Commerce in the Viceroyalty of New Granada was organized, to a greater extent, around Spanish imports entering through the Caribbean coast to the interior via the Magdalena River. During the Habsburg rule, the Spanish monarchy organized its transatlantic trade as a monopoly by which these imports were funneled through a single entrepôt, Cádiz, and arrived to the authorized ports in the Indies. These goods were transported by a formal armed convoy system that consisted of two fleets. One fleet, called the *Flota*, supplied New Spain through Veracruz, and the other, called the *Galeones de Tierra Firme*, supplied South America through Cartagena and Portobelo. After 1739, and as

[25] Tovar, *Convocatoria*, 470-503, 596-577.

part of the Bourbon efforts to increase revenues from the Indies, the *Galeones* system was abolished and a system of individual merchant vessels known as *registros sueltos* came to be employed. [26] According to this system, ships could depart from and arrive to ports different than the aforementioned. In consequence, Spanish imports departed also from Málaga and Barcelona and arrived at Santa Marta and Río Hacha, either directly or via Havana and Puerto Rico.[27]

These ships brought raw material from Spain (steel and iron), foodstuffs and provisions (rice, dried fish, meat, cheese, olive oil, wine, beer, spices, soap) and manufactured materials from other European countries such as textiles (linen, wool, cotton). They were reloaded and sent back to Spain with precious metals (gold and silver), gems (emeralds and pearls) and tropical commodities (cacao, tobacco, cotton and dyewoods).[28]

Foreign goods, especially English, also entered to the Viceroyalty through the Caribbean coast. In the second half of the eighteenth century, and especially after the American war of independence, New Granada was supplied with liquors, textiles, flour, and slaves "through Caribbean networks of international trade little related to Spain's projected commercial policy" that linked Jamaica with New Granada's ports. [29]

Contraband also had a preferred entry place in the coastline. The deficiencies of the Spanish trade, especially its inability to supply textiles, the high taxation on foreign

[26] This change was part of the reforms envisioned to improve Spanish revenues and, thus, coincided with political reforms such as the re-establishment of the viceroyalty of New Granada. See McFarlane, *Colombia Before Independence*, 112-116.
[27] For a detailed analysis see Bassi, "Between Imperial," 34.
[28] Gold, not silver, was New Granada's main export. Gold remittances comprised 90% of the value of exports while cacao, cotton and dyewoods' participation in it was minimal. McFarlane, *Colombia Before Independence*, 100. For analysis of such trade and commodities see Bassi, "Between Imperial," Kris Lane, *Colour of Paradise The Emerald in the Age of Gunpowder Empires* (New Haven: Yale University Press, 2010).
[29] Bassi, "Between Imperial," 56.

products, and the fact that New Granada's coastline was large, full of bays and inlets and traders able to pay for imports in gold, were conditions that favored contraband.[30] Contrabandists sometimes used major ports such as Cartagena, but they mainly used minor ports such as Portobelo, Santa Marta, Rio Hacha and hidden ports such as Sabanilla, San Andrés and Chagres to smuggle flour, liquor, spices, oil, iron, clothes, and weapons.[31]

A portion of legal and illegal foreign goods was consumed in the Caribbean port cities, especially in Cartagena, however, most of the merchandise travelled miles away from the coast to the Andean high plateaus or the interior valleys where the major markets were located. In this way, Cartagena, which was the official arrival point for the *Galeones* system and then the preferred port for the registered ships, became the main point of contact with the Atlantic trade, the main axis of legal commerce and the basis of New Granada's largest commercial elite.[32] Santa Fe, as capital and seat of the royal and ecclesiastical government and the most populated city of the viceroyalty, was the largest market for these goods. In addition, important provincial capitals such as Popayán and Quito[33] and minor regional centers such as Cali, Medellín and Pasto were also supplied from the Caribbean ports. Most of the routes that connected these ports with this web of interior markets depended on the Magdalena River. [34]

Local commodities also circulated along this river. Gold mining was the chief basis for the economy of large sections of New Granada. This industry provided the gold with

[30] McFarlane, Colombia Before Independence, 152-156.
[31] On lesser-known Caribbean ports see Bassi, "Between Imperial," 20, 37-38.
[32] McFarlane, *Colombia Before Independence*, 164. Cartagena's crucial role for the Spanish Empire was undeniable, however, recent works have shown the also important role of minor ports for the connection of New Granada to the Atlantic world. Bassi, "Between Imperial," 31-33.
[33] After the system of register ships was introduced, Lima's traders also supplied Quito. McFarlane, *Colombia Before Independence*, 113-115.
[34] From Cartagena via the Magdalena river directly to Honda (and then Santa Fe, Ibagué, Neiva, Popayán and Quito) or to the western provinces of Antioquia, and then San Jorge, Nechí or Cauca rivers, from Santa Marta via Cesar River and then the Magdalena River.

which traders paid for foreign imports, and mines, in turn, comprised the main markets for imports and local products. Mainly located in the lowlands of the western and central subranges of the Andes, mines created an important demand for foreign goods (wine, iron, steel, taffeta, serge, linen, and silk) but also for local products such as livestock, especially beef (both salt-cured and dried) but also pork and mules for transport, wheat flour, cheese, ham, raw sugar, conserves, cacao, garlic, chili, local textiles for slaves (all from the eastern *Cordillera*) and tobacco.[35] Urban centers such as Santa Fe, Popayán and Quito bought cattle from the upper-Magdalena plain. Cattle, staples such as cacao, tobacco, fruits, rice, *aguardiente*, and honey circulated up and down the river, from the haciendas to the urban centers and from urban centers to the gold mines and cattle-raising *haciendas*.

The existence of these different markets, each located far from the other, allowed for the formation of many small but important clusters of traders in the interior cities. Cartagena's mercantile elite was, without doubt, the largest mercantile elite in the viceroyalty, and this community was the only one with direct ties to Spain's traders. Some authors have even argued that Cartagena's traders largely controlled New Granada's external trade.[36] Merchants in Santa Fe, Popayán, Antioquia and Quito also played a key role in the viceroyalty. In this system, Mompóx and Honda became central nodes of redistribution and points of administrative control, and so became places for powerful group of merchants.

New Granada's traders were organized around Cartagena's merchants. This group, as the only one granted with the right of importing foreign goods, became the most

[35] West, *Colonial Placer*, 113.
[36] McFarlane, *Colombia Before Independence*.

powerful, politically influential and prestigious merchant group across the viceroyalty.[37] Merchants based in the interior cities, such as Santa Fe, Popayán and Quito, depended on Cartagena's traders for the supply of foreign goods and also for credit. These cities operated mainly as redistribution centers as none of these merchants had direct ties with the Spanish traders. The interior's merchants sometimes travelled to Cartagena themselves, but most of the times they operated with remittances with extended credit. As a consequence, they acted either as traders or as agents of Cartagena's traders, in which case they received imports from Cartagena on credit typically of six to twelve months and sent the gold back to Cartagena when due.[38] They resold the merchandise to wholesalers and retailers from the stores in their cities, or through extended smaller credits, remitted it to traders in smaller towns.

Mompóx and Honda, in contrast, even though smaller cities, benefited from their geographical and political situation, and did not depend on Santa Fe but on Cartagena's direct remittances. In fact, some of their traders had strong ties with Cartagena's. Mompóx, for instance, had very powerful traders such as Santa Coa's *Marqués*, who had an extensive network of business. The *marqueses* supplied Mompóx' wholesale and retail markets, owned stores where they themselves sold Castilian goods but also rented them to smaller traders, and extended credit not only to traders but to many residents of the city. In addition, credit was a central activity for Mompóx and Honda's traders. Santa Coa's

[37] Anthony McFarlane divides this group into two types, the *cargadores*, Spanish merchants granted with a monopoly and who traveled with the fleets to sell goods in Portobelo and Cartagena, and wholesale merchants, residents in Cartagena, who bought from the *galeones* and resold to local retailers. The former were mostly agents of Cádiz commercial houses sent to Cartagena to receive cargoes and organize returns. This commercial elite was mainly comprised by Spanish migrants, especially after the installation of the registered ships system and the rise in the frequency of ships, as more agents of the Cádiz companies found it easier to permanently move their residence to Cartagena instead of travelling with the fleet every year. This group formed the *Consulado* of the *Universidad de Cargadores a Indias*, and competed with creole traders. McFarlane, *Colombia Before Independence*, 165.

[38] McFarlane, *Colombia Before Independence*, 173-178.

marqueses, for instance, built a far-reaching network of debtors that comprised local traders, neighbors, retailers from Cartagena, Santa Marta, and Santa Fe who did not enjoy liquidity with which to buy directly in Cartagena, and even many of the governors of the viceroyalty.[39] In other words, credit was an important way for Mompóx traders to build political alliances with both high-ranking authorities and local families. The community of traders depended greatly on the *marquesses*' business.[40]

Mompóx and Honda's traders had several agents, *tratantes* and travelers that worked on their behalf. This group of men enjoyed a lesser social status but was key for the consolidation of commercial circuits. Their work consisted of taking merchandise to remote places and mines and recollecting gold from the buyers to take back to the traders in Mompóx and Honda. Their success as traders relied, in part, on the comparative advantages that resulted in being located closer to Cartagena and to the mining centers and of having control over the transportation business too. The *marquesses*' extensive network and the position of their own fleet of canoes and their private pier were key elements for their entrepreneurial success.[41]

Honda's traders, even though not as richer and influential as those from Mompóx, had significant fortunes and ties with other cities. Honda was not only Santa Fe's port but also an obligatory stop for the routes connecting Cartagena, Quito, Antioquia, and Chocó. By the second half of the eighteenth century, according to Honda's *alcabala* records, there were about 20 large merchants in Honda, among whom the most prominent were Diego

[39] According to historian Vladimir Daza, one of the *marqueses*, Julián Trespalacios, had 271 debtors in the city. Daza, *Los Marqueses*, 106.
[40] Traders such as the marqueses also invested in different business such as tobacco from Honda, flour from Santander and cacao from Barinas and Caracas. They also had direct ties with Spain, fostered by the fact that most of them were recent Spanish migrants. Daza, *Los Marqueses*, 87-89.
[41] Daza, *Los Marqueses*, 127.

Viana,[42] Blas de Aranzazú,[43] and Vicente Diago.[44] Many of them had direct ties with Mompóx' traders and some would participate in the events analyzed later in this dissertation (Chapter 4 and 5).[45] These merchants were Spaniards for the most part and intermarried with miners and landowners of the region. Some of them even alternated their business with mining, which made them obvious suppliers for the mines.[46]

Honda's *alcalbala* records differentiate another group of merchants, of clearly lesser social status—as none of them was treated as Don—but who certainly enjoyed a good position as they were listed apart from *pulperos*. They were merchants dedicated to selling Castilian goods.

Finally, the last group of traders was comprised by owners (or leasers) of small shops (*pulperias*) or peddlers in the streets. Honda's *alcalba* records show, for instance, that people came from the capital and from small towns of the Mariquita, Neiva, and Santa Fe provinces, to buy beer, glass, pepper, wine, salt, potatoes, garbanzos, conserves, pigs, flour, copper, pork, sugar, rice, bread, cheese, corn, lambs, peas, blankets, and chickens. [47]

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[42] Diego Viana was also in charge of the tobacco monopoly's and acted as Santa Coa *marqueses*' agent in Honda. Daza, *Los marqueses*, 144.

[43] Blas de Aranzazu was Catalan and had married the daughter of one of the richest men in the Mariquita province, José de Armero. Aranzau traded in Castilian goods and products such as gold, cacao, rice, and tobacco. Hernán Clavijo, *Formación histórica de las élites locales en el Tolima*. T. I. (Bogotá: Banco Popular, 1993).

[44] Vicente Diago was a Spaniard married with the sister of another Spanish trader resident in Honda, Zicero, with direct contacts in Seville and with one of the larger fortunes of the region. Clavijo, *Formación*, 312.

[45] Diego Viana and Blas de Aranzazú sent their sons to act as their agents in Medellín and Río Negro, small towns in the province of Antioquia. See Clavijo, *Formación*, 298.

[46] Diego Viana, for instance, remitted cacao, tobacco, anise, sugar, *aguardiente*, clothing and enslaved people to the mines in Antioquia and Chocó. His son acted as his agent and collected, as payments from the miners, gold with which Viana then paid Cartagena's and Mompóx' traders. He was also in charge of the royal tobacco monopoly and *alcalde ordinario.* See: Clavijo, *Formación*, 309-11.

[47] The Alcabala's record listed people from places such as Santa Fe, Zipaquirá, Facatativá, Muzo, Doima, Somondoco, Lajas, Guateque, Chía, Mariquita Guayabal, Guaduas, Síquima, La Palma, Ríoseco, Opito, Coello, Caparrapí, Bituima, Llanogrande, Ambalea, and as south as Natagaima, and Coyaima, Sogamoso, and, in a lesser extent, Mompóx, Barranquilla, Caparrapí, and Chiquinquirá. "Cuentas de alcabalas (aduanas) de la administración principal de Honda, glosadas y fenecidas por el tribunal de cuentas de Santa Fe y remitidas a la contaduría general de Indias 1777-1785" AGI, Santa Fe, 868.

In sum, traders could be classified into three different categories.[48] The first group was almost monopolized by Spaniards, but the second and third group was more socially diverse and included *pardo* and *mulato* traders.

2.2.2. *Pardo* Traders in the Viceregal Commercial System

Free people of African descent actively participated in commercial activities, and some of them acquired great importance. Historian Ben Vinson has shown for New Spain that 4% (18 out of 401) of the *pardo* and black militiamen in Mexico City in 1767 described commerce as their main activity.[49] A case in point is Pedro de San Joseph, a prominent member of the militia and also a well-known merchant in Mexico City that maintained a *mesilla de mercaduría* (shop) in the Portal de las Flores, a place near the plaza central. He was able to build a significant fortune and as part of his business, he lent money to slaves, freedmen, and Spaniards.[50] Unfortunately, there are not similar studies for New Granada, and even thought some authors referred to *pardo* traders, there is no single study focusing on them. Furthermore, these few mentions have stressed their participation in the commercial system mainly as retailers and street vendors. Aline Helg, for instance, points out the importance of women of African descent as street vendors and at the local markets, [51] and Alfonso Múnera and Muriel Laurent have argued that people of African descent dominated retail trade of local products (*bienes de la tierra*) and were mainly peddlers.[52] However, these same authors noted the existence of *pardos* involved with wholesale trade in Castilian goods. At a higher level, Helg explains that by the end of the eighteenth century

[48] Ann Twinam, *Miners, Merchants, and Farmers in Colonial Colombia* (Austin: University of Texas Press, 1982), 94.
[49] Vinson, *Bearing Arms*, 105.
[50] Katherine Bonil Gómez, "Pedro de San Joseph," in *Dictionary of Caribbean and Afr-Latin American Biography* ed. Franklin W. Knight and Henry Louis Gates, Jr. (Oxford : Oxford University Press, 2016).
[51] Helg, *Liberty & Equality*, 83.
[52] Muriel Laurent argues that such activities as artisanship, navigation and retail trade were mainly occupied by *mestizo*, *mulato* and black men. Laurent, *Contrabando, poder y color*, 19.

there existed *pardos* of higher status in Cartagena and other cities of Caribbean New Granada, whose main activity was as merchants. She cites the case of Laureano Faris, a merchant included in the list of inhabitants of La Merced, a Cartagena neighborhood.[53]

The demographic, geographic and political conditions of Cartagena, Mompóx and Honda led to the formation of significant group of *pardo* men who traded in Castilian goods and were able to build small fortunes and thus occupied an important niche in commerce. Furthermore, they were involved – even indirectly - with the Atlantic trade. In Mompóx, for instance, according to the *Cuerpo de comercio y sus dependientes*, a list recorded in 1789, there were 81 individuals engaged with commerce, of whom 65 were listed as *principales dependientes blancos* and 16 were listed as *principales dependientes pardos* or *pardos honrados*.[54] (See Table 3)

Table 3: *Pardo* Men Engaged with Commerce in Mompóx in 1789[55]

Name
Ramón Caro
Felipe Tamayo
Josef de Echaves
Vicente
Josef Ignacio Surmay
Francisco Paula Surmay
Antonio Bustamante
Gregorio Rabelo
Concepción Rabelo
Domingo Cañaret
Fernando Cañaret
Blas Jurado
Pedro Pascual Rodríguez
Gavino de Arce
Mauricio Villareal
Josef Antonio Olivero

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Unfortunately, for Honda it has not been possible to find similar information, but from the *alcabala* records it is possible to argue that there were at least three *pardo* traders

[53] Helg, *Liberty & Equality*, 94.
[54] Daza, *Los marqueses*, 57, 288-290. Se also AGN, SC, Milicias y Marina 70,1039r.
[55] Source: taken from Daza, *Los marqueses, 57, 288-290*

whose main activity was selling Castilian goods, such as fabrics, *sargas*, *camellones*, *monjores* and linen. Furthermore, the notarial records suggest that they profited also from the trade in slaves. The following section analyzes this group of men.

2.3. "The Tragedy of the two Parras"

A conflict between two *pardo* men in Honda in 1779 offers a unique opportunity to approach the world of this group of traders, their views on *pardo* identification in relation to their activity as traders and their place in the body politic. In other words, it allows us to assess the relationship between commerce and blackness.

On November 6th, 1779, at about 3 in the afternoon, the peace of the *calle real* was interrupted by an uproar coming from one of the stores. Honda, as a principal river port, was a place of vibrant commerce, and the *calle real* was the place were most of the stores were located. The noise was produced by a fight between two *pardo* traders, 25-five-year-old Damián de la Parra and 50-year-old Bartolomé de la Parra. The specific motive of the conflict is unknown, but it exploded when Damian entered Bartolomé's store to pay him 80 pesos Damián owed. Damian's store was right in front of Bartolomé's store. They got involved in an argument and began to fight. Had it not been for the intervention of bystanders, the fight could have ended with serious injury, as the neighbors later reported. During the fight, Bartolomé insulted Damian by calling him "perro, indigno, ridículo, sin crédito ni estimación" and *"*cabrón," among others.[56]

Damian felt terribly insulted, particularly with the last term. Cabrón was a highly offensive word for men as it made reference not only to a man whose wife had been unfaithful but also to the fact that the man was incapable of stopping the affair. The Spanish

[56] "Demanda de Damián Ignacio de la Rosa y Parra, por injurias, contra Bartolomé Lorenzo de la Rosa y Parra," AGN, SC, Juicios Criminales, 108, 147-246, Honda, 1780.

law seriously punished insults according to their gravity, and cabrón was one of the worst insults. Furthermore, the fact that it was pronounced in public was an aggravating circumstance, and that afternoon many had either seen or heard the events. They were not just bystanders; most of them were traders, as were the parties involved. Honda's streets were narrow, at the *calle real* everyone was able to see what others were doing without even going to the entrance of their stores. Indeed, many of the spectators saw the fight from their stores' counters. The news, then, spread fast among the community of traders on the *calle real,* to the point that one of the witnesses named it "the tragedy of the two Parras."[57]

Damian decided to sue Bartolomé. He presented the case before the *alcalde ordinario*, who tried to settle the quarrel in a friendly way. Damian agreed but because Bartolomé never apologized and, on the contrary, started to make fun of him, the former decided this time to continue the demand. The lawsuit lasted about a year and involved different local authorities, Damián and Bartolomé's families, and even the parochial church's priest. Eventually, the case took Damian to the Real Audiencia of Santa Fe, a trip that would have taken as much as eight days, to get his honor vindicated.

This conflict between two *pardos*, colleagues and former friends (and seemingly with fictive kinship ties), is one of those few opportunities historians have to access *pardos*' owns views about themselves and other *pardos*, about their *pardo* identification, their social status, and their place in the colonial society.

2.3.1. *Pardo* Identification and the Workings of "the Despite" Argument

Damian presented letter where he narrated the facts, cited the laws broken by Bartolomé, attached several testimonies of witnesses and asked the *alcalde* to jail Bartolomé, seize his goods and compel him to give his confession. This letter evidenced

[57] Ibid.

Damián's deep legal knowledge. The alcalde accepted Damián's request and ordered Bartomé to be conducted to the jail where his testimony would be taken. In response, Bartolomé made every effort to avoid jail and addressed several letters to the same *alcalde* asking to be heard without having to go to prison. According to customary Spanish law, each party involved in a trial had the right to be heard by the judge before any verdict could be reached. It is not clear why the *alcalde* did not follow this custom, but he decided not to accept Bartolomé's version. However, Bartolomé was clearly aware of his rights being ignored and addressed a new letter to the *alcalde* expressing his grievances with the following words:

> I make evident to you, your lordship, mister *alcalde*, that although I am *pardo* and, even if it seems improper of me to say it, the behavior and the honor I have always had make me deserving of requesting justice. And speaking again with the same veneration, this is a case between parties: Ignacio [Damián] Parra, the plaintiff, and myself, the defendant, and we should be equally heard by this court of first instance.[58]

With this bold request, Bartolomé identified publicly as *pardo* while at the same time associating honor to this *calidad* category. The association between blackness and honor, even if not uncommon, was hard to claim and maintain in a society where people of African descent, according to pervasive ideas of purity of blood, black skin color, and illegitimacy, were considered as individuals that, by definition, lacked of any degree of honor.[59] Few people would or could positively proclaim the fact of being *pardo* if they were interested, at the same time, in claiming to be honorable.

Ann Twinam has recently argued that *pardo* men who applied for *Gracias al Sacar* implicitly recognized themselves to have "the stain" of blackness and the fact they had

[58] Ibid., 177r.
[59] Lyman L. Johnson and Sonya Lipsett-Rivera, *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America* (Albuquerque: University of New Mexico Press, 1998); Margarita Garrido, "Entre el honor y la obediencia: prácticas de desacato en la Nueva Granada colonial," *Historia y Sociedad* 5 (1998), 19-35.

black ancestors was conspicuous for the authorities. However, in those cases, these individuals tried to hide any possible relation with a black ancestor and, if possible, whiten his or her family genealogy. That same observation might be applied to all those local authorities who were accused of having black ancestors, and then defended themselves by systematically denying the accusation and going out of their way to prove the absence of black blood.[60] In the majority of cases, thus, the circumstances allowed for the whitening (passing as whites), in others it was more a "mestizo-ing" (passing as mestizos) as the individuals acknowledged having an Indian ancestor in their genealogical tree. In this context of passing to find Bartolomé publicly self-identificating as *pardo* and acknowledging having a black ancestor in his family genealogy while at the same time claiming to have honor is peculiar. Bartolomé was constructing or enhancing a public identification with blackness so the question is why did he choose to do that? Which circumstances allowed for it?

Bartolomé's petition expresses his own view of social status. What he was saying, in other words, is that skin color should not be regarded as a negative attribute, that in no way was it a dishonorable feature, and that what really should matter is the way he behaved and the honor – or public acknowledgement - he enjoyed. Bartolomé was, then, stressing merit over lineage.

Damian, on the other hand, hid his *pardo* identification. Bartolomé called him a "free pardo from this city [who] belonged to my militia" and considered him to be of "his

[60] One case that illustrates this is Pedro López, a *vecino* of Honda, who was elected to serve as notary by Hondas' *cabildo* in 1808 and his opponents accused him of having black parents, a fact he categorically denied. (AGN, SC, Empleados Públicos (Tolima) 25, 386. The same happened in Neiva to Jovel Lozada, a mulato elected as *alcalde ordinario* (AGN, SC, Empleados Públicos (Tolima) 15, 723); to Salvador Montealegre, *alcalde provincial* of Ibagué (AGN, SC, Juicios Criminales, 109, 512-649) and to Víctor Jimenez de Encizo, *alcalde pedáneo* of Bituima (AGN, SC, Empleados Públicos (Cundinamarca), 9, 570-689).

same sphere." Barolomé's representative called Damián "a free *pardo* from the same *calidad* as my part" [61] However, Damian never identified himself as such. In fact, he kept complete silence regarding his *calidad* and the only reference he made when he was complaining about the way Bartolomé had treated him. Damián said that it was not normal to call a relative or a "son of the land (*hijo de la tierra*)" *cabrón*, which is the argument Bartolomé had offered to justify the insults. Damián said "the accused is not exempt from being understood in this, his peripatetic sentence, since he is *indiano* like myself, a son of the land." Damian used the category of *indiano*, a word that might also be used to refer to *mestizos*. Thus, in some way he accepted having mixed blood, but he tried to erase the necessary association with black color or ancestry.

How to interpret the fact that an individual decided to publicly acknowledge or silence their *calidad*, as Bartolomé or Damián did?[62] As Twinam has shown, some *pardos* took the path of whitening, either by purchasing *gracias al sacar* (a minority), or by hiding it and embracing other self-identifications that erased blackness, as Damian did. Bartolomé, on the other hand, was showing what might have been a third path. These different attitudes towards blackness must be understood in relation to the interactions between race, status and corporative identities, the topic of the next point.

2.3.2. Being a "Patrician Creole from the Land": Intersections of Corporate Identity, Privileges, and Blackness

During the lawsuit, Bartolomé addressed many letters to the local authorities stressing his grievances and expressing the attributes he valued the most about himself and

[61] AGN, SC, Juicios Criminales, 108, 184.
[62] Another case where "the despite argument" is central is the one of Simón Antonio de Córdoba, captain of the pardo militia of Valencia de Jesús. Cordoba was ordered by the alcalde ordinarios of this town to attend before him, but Córdoba disobeyed because, he argued, he knew there were three neighbors of the city who were his enemies and "as a man and, although *pardo*, he fear suffering humiliations." AGN, SC, Milicias y Marina, 160, 384.

that made him deserving of being heard by the judges. Through an analysis of these attributes, it is possible to see how membership to a corporate institution allowed for a different relationship with blackness. Across his writings, Bartolomé highlighted three sources of his social self-worth: first, his legitimate birth; second the *fueros* and privileges he had enjoyed as captain of the militia of *pardos*; and finally, his good reputation or credit, derived especially from his commercial activity.

Regarding his participation in the militia, Bartolomé had been born in Honda and spent most of his life in this city. According to his account, he had enrolled into the *pardos* militia in 1757 after the cabildo members made the request. He served as captain for 15 years. In 1772, he asked the Viceroy to grant him license to retire because of an illness (gout presumably). Recent scholarship has pointed out the importance of corporate institutions in shaping the lives and experiences of men of African descent in the Spanish empire. Military and Catholic confraternities have been posed as the paradigmatic example of this corporate experience. The Spanish monarchy was built upon a corporative model according to which different groups maintained different rights and prerogatives, only applicable to them. The military, as one of those corporations, provided its members with special prerogatives called *fueros* and privileges that included exemption of taxes, levies and some municipal responsibilities. Perhaps the more important was the *Fuero de Guerra*, a judicial prerogative stating that militiamen were to be judged only by military tribunals instead of civil courts.[63] In addition, these privileges implied prestige and distinction[64]

63 Allan J. Kuethe, *Military Reform and Society in New Granada, 1773-1808* (Gainesville, The University Press of Florida, 1978), 26.
64 Allan J. Kuethe, "The status of the Free Pardo in the Disciplined Militia of New Granada," *The Journal of Negro History* 56, No. 2 (Apr, 1971): 105-117. Vinson, *Bearing Arms*, 4.

Ben Vinson has studied New Spain's militias and shown that many free militiamen of African descent became attached to describing themselves as *pardo*, *moreno* and *mulato* because their participation in the military establishment offered them opportunities to reinterpret those conditions otherwise belittled;[65] corporate privileges, argued Vinson, eradicated many of the legal limitations that came with blackness. The military *fueros* explains, in part, Bartolomé's self-identification as pardo. The existence of corporations organized along the lines of *calidad* – the militia and brotherhoods – enabled the appearance of a race-based identity among black men. However, the military in the interior of New Granada did not have such an important role as it had in the coastal cities or in Mexico City.[66] I argue that in this case, other institutions, such as commerce, were more definitive for these men to allow a different public relationship with their blackness.[67] The corporative structure of commerce, the social status attached to it, plus the capital and social networks it provided, acted as catalyzers for *pardo* public identification. An analysis of Bartlomé's role in Honda's body of commerce is useful to understand how the corporative structure of commerce worked and how it produced a specific awareness.

Unfortunately there is no information about Bartolomé´s parents. It is unknown how he built his fortune. However, with the evidence available, it is possible to say that as a merchant, he accumulated significant material assets. The recorded seizure proves that Bartolomé traded in fabrics, *sargas*, *camellones*, *monjores* and linen, that is, in Castilian luxury goods. From the same source it is possible to know that Bartolomé's house was

65 Vinson, *Bearing Arms*, 5.

[66] Viceroy Manuel Florez attempted at reorganizing militias in the interior, specifically in Mariquita province, but the reforms were stopped by the war with England, the arrival of the visitor general, and the Comuero revolt in 1781. See Caballero y Góngora, "Relación del estado," 1, 368.

[67] In New Granada, the army was also organized around a series of coastal strongholds, fortified cities like Santa Marta and Cartagena, and a small number of companies in the interior. A large portion of the militia consisted of black men, in fact, black militiamen outnumbered whites in the coastal areas like Cartagena, Santa Marta, Lorica, Mompóx and Honda. Kuethe, *Military*, 6 and "The status of the Free Pardo,"109.

worth more than 6,000 pesos, and that he had other property that could amount to 10,000 pesos at minimum. When Bartolomé was going to be jailed, he offered to pay 1,000 pesos, an amount that he declared to have in his house, furthermore he offered, as a backup, his house. Credit was important because having liquidity was very difficult in this viceroyalty, so Bartolomé had a very solvent financial situation. This is also apparent from the case's documents, which revealed that Bartolomé's house was a two-story building coated with *calicanto* and it had a tiled roof and adjacent terrain on the most distinguished street of the city, the street that had hectic activity and businesses.[68] From the *alcabala*'s book, it is evident that, for instance in 1781, he paid "300 pesos for the sale of Castile good that he has done in a retail store he owns"

In sum, Bartolomé made up part of that group of well-off *pardos* engaged with commerce mentioned before in this chapter. Having enough material capital gave Bartolomé the means to avoid imprisonment since he used it to pay the bail. Likewise, this allowed him to carry on the case without monetary loss. In addition, his engaging with commerce, in this case, brought him more than monetary assets. His commercial activities allowed him to build social networks. A good part of Bartolomé's defense was based on being an honest individual who had not given scandals and, all individuals could attest that they met him thanks to the trade:

> Since I am well-known by everyone because I am a **creole from the land *(patricio criollo de la tierra)***, a legitimate son and my legal actions have never allowed for any kind of allegation in the my 53 years; I have never blushed regarding matters of honor, once is lost what is the point of life, especially for someone like me who has always esteemed God as much as I do; and held in knowledge, behavior and communication with the rest of the distinguished inhabitants of this city and other gentlemen from different provinces, since I have always worked as a merchant (*mercader*); your highness the *alcalde*, you know about this because for years you have

[68] AGN, SC, Juicios Criminales, 108, fls. 167, 171, 181v-182v.

> lived in this city and we have had various business relations of purchasing and selling like the other individuals on the Calle Real[69]

This social network not only served as a rhetorical support to prove his good behavior and honor. It was what allowed him, during the whole trial, to find guarantors, to appoint representatives and to receive, in a way, a deferential treatment and even, as he claimed, to have the good favors of the *alcalde*, who had been one of his business partners. For instance, from the *alcabala*'s book, it is known that Bartolomé had business with Josef Palacios, royal official (*juez de puertos* and alcabala's collector) from whom Bartolome bought a parcel of land in the city in 1777.[70]

Engaging with trade was a means for acquiring a great deal of credit and social esteem in these port cities, as happened to José Antonio de Ayarza, and as happened to Bartolomé, in which case it was even bigger as he traded with Castilian goods. They got to be treated with the title of Don, and treated with deference by the notary and the collector. To have such a network and to be different from a *pulpero* was key for Bartolomé.

The corporative organization of commerce in the Hispanic monarchy dates back at least to the sixteenth century. However, it gained strength during the Bourbon rule, when more institutions and more individuals engaged with commerce started to be granted with a corporative status and with special rights. Some authors have termed this process "corporative centralization," as the monarchy envisioned it as a way of centralizing power through the creation of more corporations.[71] The guild of *Cargadores a Indias* was the

[69] AGN, SC Juicios Criminales, 108, 173.
[70] AGI, Santa Fe, 868.
[71] Benjamín Rodríguez, "Una justicia corporativa. Saberes, prácticas y estrategias judiciales hacia el interior del Tribunal del Consulado de Buenos Aires (1794-1821)," *Anuario del Instituto de Historia Argentina* 13 (2013).

perfect example, as well as the consulates created by Charles III.[72] These collectivities were granted the right to address directly the king through a representative, to have privative justice, the right to grant (or deny) membership, and the right to collect the *alcabala* (in New Spain) or the *derecho de avería* (in the Río de la Plata).[73]

This process had effect not only on greater transatlantic merchants' identifications and political notions but also on regional and local-based traders such Ayarza and Bartolomé. Few merchants belonged to the consulates of commerce, and few could effectively claim the rights granted to these bodies. In fact, this membership was really hard to obtain. Yet, the spirit of a corporate existence went beyond the formal royal acknowledgement and found expression in the idea of being a member of a collectivity, different from the others, from which to derive credit, respect and good reputation, and deserving a deferential treatment before the ordinary jurisdiction. One example is the organization of a militia of traders in Cartagena during the second half of the eighteenth century.[74] Another example was the expression with which all the traders identified themselves when addressing the authorities: they stated that they were *naturales* of a place and members of the body of commerce (*cuerpo de comercio*) of the city they inhabited. Bartolomé, for instance, claimed to be part of "the body of commerce of Honda." In this way, the identification worked slightly differently from that produced by militia membership, but it did provide people with the material and symbolic means needed to assert a prominent position in the Republic. It was from this position that Bartolomé, as

[72] Several consulates were created during the second half of the eighteenth century, Manila (1769), Caracas and Guatemala (1793), Buenos Aires and Havana (1794), and Cartagena de Indias, Chile, Veracruz and Guadalajara (1795). Rodríguez, "Una justicia corporativa," 1.
[73] Ibid., 2.
[74] "Compañía voluntaria de mercaderes de las milicias de Cartagena, su queja contra José Perez Dávila, comandante de ellas por medidas arbitrarias que adoptó en perjuicio de dicha compañía," AGN, SC, Milicias y Marina, 13, 1016-1058, 1773.

well as José Antonio de Ayarza, articulated their requests to local, viceregal and royal authorities. Furthermore, the participation in commercial activities provided a space for these *pardos* to acquire a deeper juridical knowledge. Their presence was very common in the courts, as was their contact with the alcaldes, royal officials and notaries.[75]

2.3.3 *Pardo* Claims Seen by Local and Viceregal Authorities

An exploration of the involvement, at different stages, of local and viceregal officials in Bartolomé's case offers a glimpse of the ways in which authorities perceived Bartolomé's claims. The authorities that participated were very diverse. At an early stage, the *alcaldes ordinarios* intervened unofficially to solve the conflict without going through a very long trial. Their attempt failed and, therefore, the case was first presented before them and then went to next court, the *Real Audiencia* de Santa Fe. There, the *oidores* tried to end the case as soon as possible since they considered it a trivial matter.

In the first place, the *alcaldes ordinarios* did not give much importance to the case. The conflict started in November of 1779 and, at the time, the *alcalde* tried to solve the enmity since Bartolomé and Damian who were "long-time friends." In this informal act, the *alcalde* got Damian to suspend the lawsuit on the condition that Bartolomé publicly apologized to him and his wife. Nevertheless, Bartolomé not only did no such a thing, but, according to Damian, he kept on insulting him, only now, the insults came also from his wife and kids.[76] Seeing that the conflict was worsening, the La Popa convent prior tried to mediate between Bartolomé and Damian without any success.

In February 1780, since the spiritual mediation failed, Damian decided to take up the lawsuit he had presented to the *cabildo* again. *Alcaldes ordinarios* changed every year,

[75] For a study on these practices see in the Buenos Aires *Consulado* see Rodríguez, "Una justicia corporativa."
[76] AGN, SC, Juicios Criminales, 108, 226 r.

so the new *alcalde* advanced the case by questioning Damian's witnesses. Nevertheless, at the end of the year, most likely seeing that after so many appeals, the conflict had not reached its conclusion, he decided to end it: "considering that judges are fathers of the Republic and we must, using all possible means to introduce and keep the peace, good harmony and Christian correspondence among neighbors and dwellers of it [The Republic]," he ordered a perpetual silence, stating clearly that Damian and his wife had kept, in spite of their poverty, a good reputation, and that more documents from them would not be accepted.

The attitudes of the two *alcaldes* expressed the image that a member of the Honda's elite had of the two *pardos.*[77] The first saw them as friends, as equals. The second one seemed to differentiate between them slightly. First, he categorized Damian as poor, although, at the end, when he was explaining his reasons for ordering perpetual silence, the *alcalde* emphasized their sameness in terms of their "circumstances". The fact that the *alcaldes* did not mention either parties' *calidad* is interesting, but did *pardo* identification affect the judgment of the case? The answer is probably yes, however local authorities did not seem to have a very fixed image of Bartolomé and Damián, as they varied from differentiating them in terms of their poverty to assimilating them regarding their circumstances.

Once the case was taken to the Real Audiencia, neither Damian nor Bartolomé could directly address the *oidores* as they had been able to approach the *alcaldes* before. Both of them, according to the law, must use a representative who, in both cases, was an

[77] One of the alcaldes was, in fact, member of one of the richest and influential families in Honda. See, Clavijo, *Formación*.

Audiencia lawyer. Thus, at this point, we have access to an image of the two officials who represented the parties.

Damian's representative highlighted the importance of defending his client's honor, in fact, he talked in plural form when stating that "we are all creditors and have the right of conserving good perception and fame", placing himself, in a way, in the same position as Damian. It is interesting, then, that an Audiencia official, most likely a member of the "distinguished" people of the Capital City, admitted the existence of honor based on merit. Likewise, he criticized the actions of Honda's *alcalde* when he decreed perpetual silence, since he believed the motivation behind the decision was "maybe accommodating towards the counterpart, Bartolomé de la Parra, since he is a rich man."[78] In this manner, an "outsider" placed Bartolomé almost as high as the *alcalde*.

On the other hand, Bartolomé's lawyer echoed the image Bartolome's had of himself, characterizing him as a man of "peaceful and friendly temper" and, at the same time, pointed his *calidad* as something that had not acted against the recognition of his good behavior: "the most distinguished individuals of that place extend attention [to him] in spite of the sphere of his *calidad.*"[79]

Lastly, the Audiencia's prosecutor decreed the culmination of the case, condemning Bartolomé to paying the expenses of the trial, not only the ones produced in Honda but also in Santa Fe. It is possible that the case ended here, since no further action was registered in the file. If so, Damian never got the public apology he so sought. The *Audiencia* did not see the need for continuing the case and closed it, arguing that Bartolomé's claims did not go against Damian's honor.

[78] AGN, SC, Jucios Criminales, 108, 233r.
[79] Ibid., 236r.

There was not a fixed image of any of these *pardos* in either of the different judicial instances. For some they were peers, for others they were different, either rich or poor, but for none of these judges they merited such an effort and cost in judicial proceedings. Even though not in a direct way, Bartolomé's and Damian's *calidad* made them less deserving of claiming judicial protection than other individuals. However, both, from different "legal locations," one claiming to have corporate-like rights, and the other as an ordinary *vecino*, used every tool at hand to claim respect for their rights. Bartolomé and Damian's appeal to several different judicial instances evidenced their self-image as subjects with rights and their deep belief in judges as mediators of social relations and distributors of justice.

Conclusion

Bartolomé and Damián's case illustrate the complexities of *pardo* identification, the great variety of factors that participated in this process, and the political consequences they had. On one hand, it shows the role of commerce. The prominence that commercial activities reached in fluvial port cities such as Honda, the corporative organization and recognition these activities obtained from the Bourbon monarchs, plus the consequent feeling of belonging that traders developed towards a collectivity that provided them esteem, credit and good reputation, offered *pardos* traders some means to ascribe social value and political rights –even in a limited way- to their *pardo calidad.* For Bartolomé, these political rights included the right to be heard by the judges, to be able to give his version of the events, to be considered as a party to a lawsuit, and to be treated fairly by the judges according to his former military *fuero* and the credit he had as a member of the body of commerce.

On the other hand, these cases also allow one to argue that the formation of a *pardo* identification was not an inevitable or predetermined outcome. People categorized as

pardos by authorities or by the community had a chance of using other categories that, even though they did not deny the fact of being racially mixed, did certainly deny the existence of any trace of black blood, as was the case for Damian's identification as *indiano* or *hijo de la tierra*. In so doing, Damian was not trying to pass as white but as a "mestizo". In this way, the production of identification categories was not the monopoly of the authorities or the state. Ordinary people, included *pardos*, also produced categories, such as "patricio criollo de la tierra," or "indiano," demonstrating both the social construction and the fluidity of these socio-racial terms.

CHAPTER 3

"*Iurisdictio est potestas*": The Bogas of the Magdalena River

In Honda, in October 8, 1799, at about four in the afternoon Cosme Alemán, a *mulato* "pilot" of the boats that carried the official mail up and down the Magdalena River, was heading to the house of the *comisario de barrio*, Lorenzo Recio.[1] Alemán's intention was to ask the *comisario* to take one of the *bogas* (rowers) of his boat to the jail, as he had refused to obey Alemán.[2] However, Recio denied his request and argued that he did not have the jurisdiction to imprison this *boga* and asked Alemán to immediately leave the place. According to the report later filed by Recio, an infuriated Alemán yelled at him and questioned what kind of judge he was for his inability to take this *boga* to the jail. Recio claimed that Alemán told him that it was not up to him or the governor to ask him to leave as neither of them had any jurisdiction over him, and launched other insults that Recio would "rather to not repeat." Recio conducted Alemán to the jail and filed criminal charges against him. Recio's report emphatically described Alemán as a conceited, daring, insolent, and arrogant person. [3]

This set of adjectives was used very often to make reference to the *bogas*, who were free black, *mulato* and *zambo* boatmen who worked in the Magdalena River. Local authorities and high-ranking viceregal officials complained about boatmen very often. It is not surprising then, that Simón Bolívar blamed *bogas* for Great Colombia's eventual ruin:

[1] In order to better police the cities, the Spanish Crown divided them into neighborhoods (*barrios*) and each of them was policed by an official appointed by the *cabildo*. This official was called *comisario* or *alcalde de barrio* and even though he did not enjoy from the entire jurisdiction and prerogatives the *alcalde mayor* did, he was able to jailed people and bring charges against them.
[2] The Spanish word *bogas* is a term that comes from the verb "to row" (*bogar*).
[3] AGN, SC, Correos (Tolima), 1, 790-815, 1799.

"The Caribes from the Orinoco, the sailors of Maracaibo, the *bogas* of the Magdalena, the bandits of Patía … and all the savage hordes of Africa and America… would lead to Colombia's ruin..."[4] Who were these boatmen that publicly challenged local authorities and even threatened the political dreams of the leader of the Independence wars?

Free people of African descent played a fundamental role in the navigation and transportation of people and commodities in the Americas. Their presence was highly visible in port cities of the Caribbean Islands' such as Kingston, Port-au-Prince, and Havana, but also mainland ports such as Veracruz offered many possibilities for free people of African descent to make a living with navigation-related activities.[5] The Viceroyalty of New Granada was not an exception; its most important ports on the Caribbean –Cartagena and Portobelo- were cities with large populations of free blacks, *mulatos* and *zambos* engaged with the sailing world. However, a significant part of the New Granada's free Afrodescendant navigators was involved not with maritime but with fluvial navigation. Sometimes viewed with certain disdain by their maritime counterparts who used to call them "Fresh Water Seamen" (*marineros de agua dulce*)[6], *bogas* were in fact the core of the Viceroyalty's transportation and communication systems.

Factors such as a territory highly dependent on the Magdalena river for its political and economic articulation, and the *bogas*' exceptional navigational skills, unrivalled knowledge of the rivers, and self-awareness of their irreplaceable role, converged, allowing the sailors to become fundamental political actors during the wars of independence and

[4] Quoted in Marixa Lasso, *Myths*, 3.
[5] For the British Atlantic see, Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000). About Veracruz see: Bernardo García Díaz, "El puerto de Veracruz en la mirada de viajeros extranjeros," in *Ciudades portuarias en la gran cuenca del Caribe: visión histórica*, ed. J. E Elías Caro, and Ortega A. Vidal (Barranquilla, Colombia: Ediciones Uninorte, 2010).
[6] Sergio P. Solano, *Puertos, sociedad y conflictos en el Caribe colombiano, 1850-1930* (Cartagena de Indias, Colombia: Observatorio del Caribe Colombiano, 2003): 37.

well into the nineteenth and the beginning of the twentieth century. This participation took different forms. Aline Helg has stated that *bogas* and militiamen were the two most powerful groups among the free people of Colombia.[7] Marixa Lasso has argued that *bogas*, along with black and *pardo* artisans, actively participated in the wars of independence. During the nineteenth century, *bogas* often addressed collective claims to the republican government. Lasso recounts how they used the laws to refuse paying the colonial-era tax of the *real de navegación* in 1824.[8] Jason McGraw shows how *bogas* went on strike in 1857 in order to claim higher wages and better working conditions.[9] Sergio Solano, working on the transformation of *bogas* from rowers to steamboats' crewmembers during the late nineteenth and early twentieth century, also pointed out their active participation in the formation of unions.[10]

Despite their historical importance and their constant collective engagement in political activities, historians know little about *bogas*' political culture in the colonial period. Most of the scholarship originated in the literary studies field and focused on nineteenth-century bogas. These studies have been central in bringing *bogas* to the forefront of the scholarly debate, underscoring their importance as key historical subjects, and also evidencing how racial discourse lay at the core of the Colombian nation-building project.[11] However, they have not addressed the most basic questions as to who these men were, where and how they lived, how their profession was organized and what their lives

[7] Aline Helg, *Liberty & Equality*, 67.
[8] Marixa Lasso, *Myths*, 110.
[9] Jason McGraw, *The Work of Recognition: Caribbean Colombia and the Postemancipation Struggle for Citizenship* (Chapel Hill: The University of North Carolina Press, 2014), 85-91.
[10] Solano, *Puertos*, 39, 43.
[11] Maria Camila Nieto and María Riaño Pradilla, *Esclavos, negros libres y bogas en la literatura del siglo XIX* (Bogotá: Universidad de Los Andes, 2011).

were like when they were not navigating.[12] Regarding colonial *bogas*, most of what has been written is, in fact, an extrapolation of nineteenth-century travelers' narratives. There is not a single work on their political actions and their role in the consolidation of colonial commerce and economy remains almost ignored if not erased.

This chapter argues that *bogas* had a strong political awareness and a rich political culture long before Independence. This political culture was expressed in the ways in which they related to their peers, colleagues and authorities, and in the claims they addressed to the latter. Although *bogas* did not engage in collective claims in this period in the same ways they did in the nineteenth century, most of their individual claims were grounded on the belief of their membership in the body politic as a differentiated collectivity defined by their occupation and in possession of differentiated rights. In this way, this political culture was not shaped by modern political ideas of equality or universality (that spread at the end of the eighteenth century) but by ideas of difference, ideas of a society naturally and righteously divided into different bodies, each of them granted with different rights. *Bogas*' political culture included, then, notions of their particular place in that set of differentiated parties and their rights as such were expressed in the vocabulary of privileges and *fueros*. Their political claims were mainly directed toward the pursuit of privileges and *fueros* and the extension of these to cover other aspects of their lives outside their occupation. They pushed for the acceptance of their existence as differentiated corporative subjects in the body politic, serving as point of departure for a formation of a corporate identity.

[12] Recent historical works have started to tackle these issues, the most notable the work of Jason MacGraw that offers important insights to this respect, pointing out new information.

Bogas learned, incorporated, and expressed these notions in their daily interactions with different agents of the Spanish empire, local, regional, or royal. These interactions took place, most often in the midst of authorities' attempts at regulating river-related matters. Consequently, they were shaped by the particular way the Spanish empire, a jurisdictional state by nature, sought to build sovereignty in riverine places. It was a process facilitated by both authorities' dependence on *bogas*' work but also the broader Spanish empire-building process.

This chapter first describes New Granada's peculiar geography and spatial organization. Space, in this case, is a necessary frame to comprehend the *bogas'* vital importance and a prime factor that shaped political life and state formation in New Granada. It then analyzes the formation of a population of free people of African descent in the area and their participation in navigation activities. Finally, it explores one of the main instances of interaction between *bogas* and royal and local authorities, where their own status as subjects of the empire was produced, which was the fight over *bogas*' jurisdiction.

3.1. A Viceroyalty Looking Inwards

As mentioned in previous chapters, the Viceroyalty of New Granada, unlike the other viceroyalties and *Audiencias* of the Spanish empire, had a capital located very far in the interior of its territory and depended on the Magdalena River for its communication. Contemporaries often addressed this distance and dependency: "This Kingdom is located more than 200 *leguas* from the coast and one gets there via up the Magdalena."[13] An official of the postal service, analyzing communications in New Granada said, "its

[13] "Descripción del Nuevo Reino, Santafé, 9 de junio de 1572", in *Relaciones y visitas a los Andes. Siglo XVI* ed. Hermes Tovar (Bogotá, Colcultura, Instituto Colombiano de Cultura Hispánica, 1995), III, 275.

provinces, more than other provinces of América, are far removed from trade with the Spain, either because they are not abundant in commodities or because their roads are extremely difficult."[14]

In an empire that was relatively centralized and yet highly dependent on communication across vast distances for its governance, New Granada configured a very peculiar political structure. Its *audiencia* and later viceregal capital was located far from its port –its connection with the metropolis and the transatlantic trading system – and there was only one way to get there. First, communications were slower and more expensive than in any other viceroyalty. Second, Santa Fe even though the capital and seat of all the administrative functions, shared power with Cartagena;[15] in other words, power was more evenly distributed. Third, the viceroyalty was extremely dependent on the navigation of the Magdalena River to function.

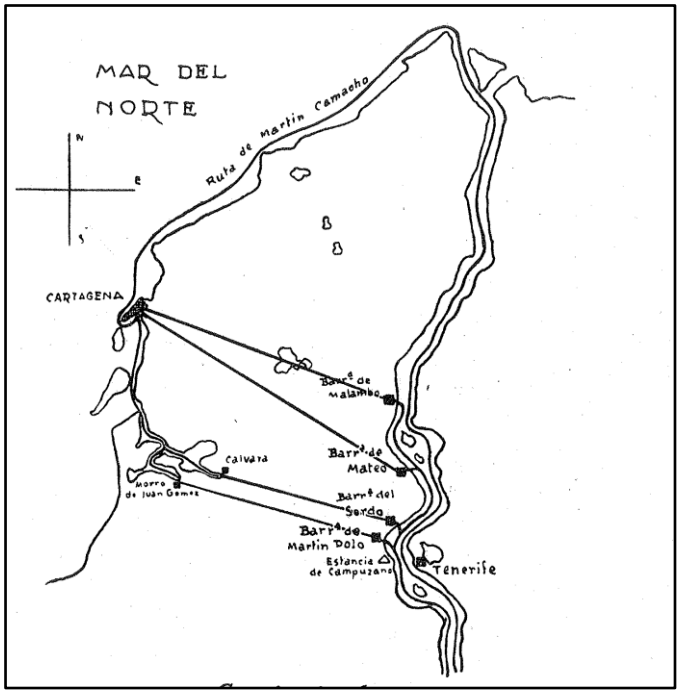
This dependence was exacerbated by the fact that the trip from Cartagena to Santa Fe and vice versa was particularly arduous. People and commodities arriving from the Atlantic and going to the capital had to disembark in Cartagena. There they had two options (See Map 3). The first and less frequented one was to embark yet again and go north to enter the mainland through the Magdalena River's mouth. This was a very dangerous way, as it required navigation in the open sea and was subject to strong winds and huge sand banks. The second and more used option was to take an overland trip from Cartagena to the

[14] Solicitud hecha por los administradores principales de correos de Cartagena, Santa Fe y Quito a los señores directores generales. Santa Fe, 30 de abril de 1785. AGI, Correos 214A.

[15] In this regard it is very telling the fact that the seat of the Holy Office was located in Cartagena and New Granada's main commercial elite was located also there. Furthermore, during war times the viceroy moved to Cartagena to deal with the defense of the port. That was the case of Viceroy Sebastián de Eslava (1739-49) who did not even get to Cartagena, and Viceroy Manuel de Florez (1776-82), who lived in Cartagena from 1780 to 1782. He dealt with the Comunero revolt from Cartagena and when he was replaced (*interinamente*) it was the governor of Cartagena, Juan Díaz Pimienta, who took the charge. So Santa Fe was governed from Cartagena for a while. AGI, Santa Fe, 578, No. 1.

Dique or Barranca del Rey to reach the river, and from there to take another boat that would go up the river to the port city of Honda (see Map 3).[16] At this point, people and goods would disembark again, cross the river, and start a four-day mule-back ride through mountainous and muddy paths to reach the high plateau at 8,612 feet above sea level where Santa Fe is located.

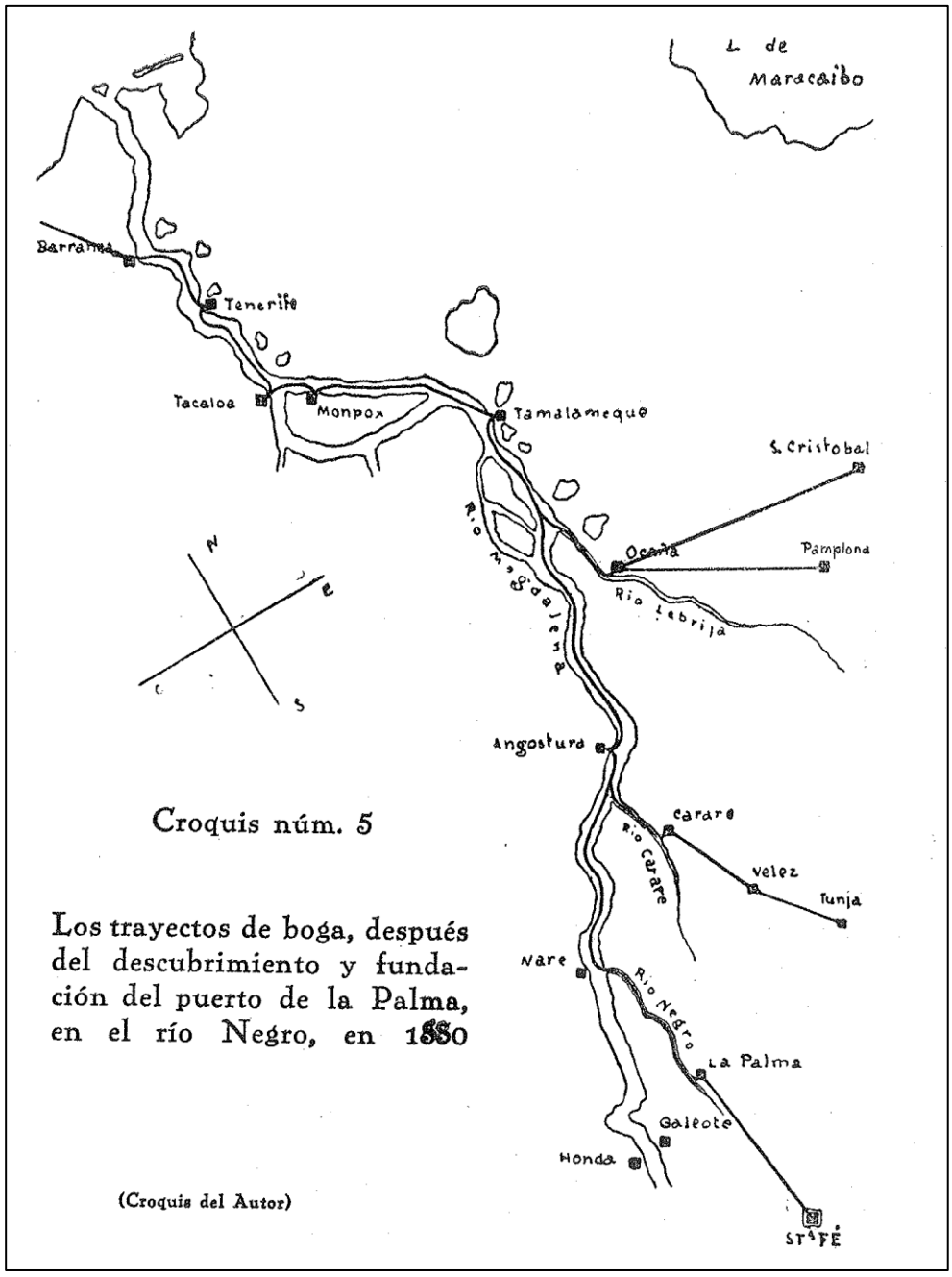
Map 3: Routes From Cartagena to the Magdalena River[17]



In addition to the distance, Magdalena River Valley's topography, climate, and environment made this trip a very difficult one. While a trip from Veracruz to Mexico City in the colonial era could take four days across a territory traversed by soft hills, a trip from Cartagena to Santa Fe was a three-month odyssey that would cross through extremely hot tropical savannahs, flood areas traversed by an intricate web of rivers, channels, lagoons, and swamps, and then abrupt and muddy mountainous paths.

[16] Ybot, *Los trabajadores*. There was another way, through the Magdalena River until Ocaña and then to Santa Fe, but the way through Honda was more commonly used.
[17] Source: Ybot, *Los trabajadores*, 113.

Map 4: Travel from Cartagena to Santa Fe[18]



In his journal, Alexander Von Humboldt provided copious details of every part of his journey to Spanish America.[19] According to him, the land passage from Cartagena to the Magdalena River was not as terrible as its fluvial counterpart. As soon as the traveler

[18] Source: Ybot, *Los trabajadores*, 80.
[19] Humboldt, *Extractos*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm.

embarked, he warned, he would start suffering from the extreme heat, the suffocating atmosphere, and the difficulties of keeping his goods in decent conditions. The topography of the river made things harder. The Magdalena is a river that produces a large deposit of sediments; it has several turbulent and very dangerous rapids caused by a highly uneven riverbed. In addition, its depth is drastically reduced during the dry season. Moreover, its banks were the habitat of several species - now almost extinguished - that threatened travelers' health and lives, including crocodiles, serpents, and mosquitoes. In this regard, Humboldt admired the magnificence of the vegetation but was very pessimistic about the weather, the mosquitoes, crocodiles, and the "frightening miasmas."

This travel and the route remained almost the same for four centuries as the only official way for people, goods, official and private communications to get from the outside world to Santa Fe and vice versa. The pillars connecting the empire were built on uneven geographies and comprised by corridors and enclaves.[20] All those peoples that materially and symbolically built the empire by means of their "administrative pilgrimages"[21] and all those goods that made material reproduction possible and created sense of connection, simultaneity and belonging, entered and circulated along this river.

Luxury goods highly coveted by the elites, such as wine, oil, olives, cotton textiles, silk fabrics, decorative textiles, hats, clocks, furniture, and even pianos arrived in Cartagena and were distributed to Santa Fe and other interior cities (Popayán, Medellin, Santa Fe de

[20] I borrow these concepts from Lauren Benton.
[21] I use this term drawing on Benedict Anderson's explanation on how travels played a key role in the making of imagined communities; but also because it was the same expression officials used to refer to their travels: "deseo con ansia concluir mi peregrinación para lograr el gusto de vivir bajo la protección de VE …" Letter of Don Juan de Casa Mayor, August 1782, AGI, Santa Fe, 578.

Antioquia) via the Magdalena River.[22] The precious metals and goods upon which the imperial economic system depended (New Granada's main metal export was gold), taxes and official communications were all transported by the river from the capital to the port. Steel and iron coming from Spain were also distributed to the viceroyalty through the river.[23] Imperial defense centered in Cartagena's fortresses and in military posts along the river. In Carare and other city ports received the *situado*, workers and supplies through the river.

Government offices depended on the mobilization of its employees, priests, funds, and communications. All the newly named officials and priests coming from the Atlantic travelled this route. The highest ranks of civil, military and ecclesiastical bureaucracy, such as governors, royal officials, *oidores*, bishops and archbishops, *Audiencia*'s presidents and viceroys, their entourage and families were transported by *bogas*. Wholesale and petty traders, *Consulado*' agents, adventurers, travelers, deserters, migrants, all of them traveled this river. And not only official trade but also contraband coming from Jamaica and Curaçao inundated the viceroyalty through the river (from Santa Marta to Mompóx, Honda and Santa Fe).[24]

The viceroyalty not only depended on the river for its imperial articulation but also for its regional and local connections. Gold mines in the west received supplies, slaves, food and clothing through this river. They, in turn, sent the gold to be minted in Santa Fe's mint house. Almost all the communications the Audiencia or the viceroy addressed to the provinces went through this way at some point, royal decrees, *bandos de gobierno*, etc.

[22] From Cartagena to the mining areas of Antioquia there were two routes, however, after 1770 the most common route was through the Magdalena River to Nare and then to Medellín and Santa Fe. Popayán also through the same river from Honda. McFarlane, *Colombia Before Independence*, 264.
[23] McFarlane, *Colombia Before Independence*, 157.
[24] Humboldt, *Extractos*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm.

Regional and local authorities sent their reports, padrones, requests, complains, and appeals to the court to Santa Fe.

The importance of the river for New Granada's security is perfectly exemplified by what happened when communications were halted during the 1781 *Comunero* revolt. The viceroy, Manuel Florez, living in Cartagena at that time, was unable to communicate with the *Audiencia*'s ministers in Santa Fe and unable to send any orders or guidance as to how to deal with the rebellion. Finally, the viceroy sent the troops to fight against rebels traveled by the river (these events will be further analyzed in Chapter 5).

The river was also crucial for imperial security, as it was often believed that foreigners might enter the river to spy or even invade. In 1797, for instance, Viceroy Pedro Mendinueta wrote to Cartagena's governor about receiving some news of a small boat navigating the river with 16 men, most likely foreigners (by their clothes and language). These officials suspected they were French trying to sound and map the river, so Viceroy Mendinueta warned Cartagena's governor to direct all his attention to the "introduction of foreigners via the Magdalena River, a harmful issue deserving all his attention."[25]

Such was the gigantic role of the river, and given its peculiarities and the trip's hard conditions, its navigation required a vast knowledge and very qualified navigators. The inhabitants of the riverbanks of the Magdalena River and other rivers of the region, mostly free *zambos*, but also blacks, *mulatos*, and few slaves and Indians, after centuries of settlement, became the most knowledgeable of this environment, the most experienced navigators, and the only ones willing to undertake the dangerous trip. They were able to recognize the river's glitters and reflections that indicated the river's depth, to identify the always-changing channels, and to orientate the canoes without any buoys or navigation

[25] See AGI, Estado, 57, No.17.

charts.[26] In this way, the political and economical administration of the viceroyalty relied heavily on them. And for four centuries *bogas* remained the most expert people on navigating this river. These circumstances together set the scene for bogas to become essential for navigation[27], and, ultimately, essential for the functioning of the Spanish.

3.2. From Indian to African Enslaved Bogas

How did *bogas* come to be mainly free people of African descent? How did Africans and their descendants settle this area? How did they acquire knowledge of this river and its navigation? As historian Sergio Solano has argued, the fact that nineteenth-century travel literature remains the most easily available source has meant that *bogas* scholars have almost exclusively identified them with this historical period. [28] Notwithstanding, bogas' presence in the navigation of the Magdalena River dates back to the end of the sixteenth century.

The Magdalena River was a key communication and transportation corridor long before the arrival of the Spaniards. There is strong evidence for the existence of a wide and intense commercial and cultural exchange network, not only among the riverbank's towns but also between the inhabitants of the Andean highlands, the inter-Andean lowlands and the Caribbean plains, that was articulated by the river.[29] When the Spaniards arrived in this territory, around the 1530s, they found the river extremely hard to navigate but they also

[26] For a description of the knowledge needed to navigate the river and the notion of "amphibious culture" see Orlando Fals Borda, *Historia doble de la Costa. Mompóx y Loba* (Bogotá: Valencia, 1988).
[27] Solano, *Puertos*, 36.
[28] Bogas were central figures in nineteenth-century Colombian literature and captured the imagination of both national and foreign travelers from early on. Accounts of the travel from Cartagena to Honda spent many lines describing bogas' work, depicting their bodies and abilities with an ambiguous fascination, and even expressing feelings of intimidation produced by their "exacerbated masculinities." Solano, *Puertos*.
[29] The existence of different and very diverse ecological zones in the Andes highlands thanks to altitude has been signaled as an important factor for commercial exchanges. In this case, this exchange was fostered by the Magdalena River. Products from the highlands such as salt and cloths were traded for fish and fruits from the lowlands. Thomas Gomez, *L'envers De L'el dorado: Économie Coloniale Et Travail Indigène Dans La Colombie Du XVième Siècle.* (Toulouse: Association des publications de l'Université Toulouse-Le Mirail, 1984).

encountered native boatmen who possessed great knowledge concerning the river and also the technology appropriate for the challenges that this river, its tributaries and multiple channels and swamps (*ciénagas*) posed.[30]

During the first decades of their settlement, the Spaniards used both Indian canoes and boatmen to transport goods and people along the river. Yet, once the Indian *repartimientos* were organized, the *encomenderos* of two cities, Mompóx and Mariquita, gradually monopolized the business by constructing their own canoes and extracting Indian boatmen's labor as part of the collection of tribute. Paying tribute with sailing became, in fact, the characteristic feature of the *encomienda* across the Magdalena River Valley.[31]

The Magdalena River became, thus, crucial for the establishment and consolidation of the Spanish settlement in this territory. Spaniard *vecinos* extracted huge revenues from all the activities related to its navigation. Consequently the regulation of these activities became a critical affair for the Spanish crown, as well as one of the main issues of the relationship between royal officials and the *encomenderos* of this area. The less the royal power attempted to regulate the navigation the better the relations between it and the local elites would be. From the end of the sixteenth and during most of the seventeenth century, the Spanish crown attempted to stop the use of Indian labor for this kind of occupation; on the other hand the *encomenderos* consistently ignored the royal *cédulas* and decrees and continued to use Indians for the navigation of the river.[32]

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[30] Some of the chronicles of the sixteenth century narrate how, when the Spaniards first tried to go up the river, were soon surrounded by hundreds of small canoes, masterfully navigated by Indians, in markedly contrast with the heavy Spaniard ships. These canoes were the means to keep Spaniards out of the river for many decades. The "pacificación" of the inhabitants of the riverbank took the Spaniards almost a century. See Ybot, *Los trabajadores*.

[31] Especially in what is known as the "medio" and "bajo" Magdalena. Ybot, *Los trabajadores*, 27, Guzmán, *La Ciudad,* 34.

[32] The conflict escalated to the point where a royal official in charge of was killed by the *encomenderos* of Mompóx while trying to implement these royal decrees. See Ybot, *Los trabajadores*.

The navigation of the Magdalena River was one of the main reasons the region's indigenous population declined in shocking rates. The navigation was indeed a very hard job for Indians, who, uprooted from their villages, exposed to tropical diseases, with no protection against the extremely intense weather, and working for twelve hours daily, started to die and were almost decimated. For instance, the first *encomendero* of Loba, a riverine town close to Mompóx, is said to have owned twelve canoes each with ten Indian paddlers. In total he employed around 120 Indians.[33]

In many occasions the Spanish crown attempted to regulate the navigation in the river. In 1560, for instance, an *ordenanza* established a maximum weight to be carried by every Indian and increased the number of paddlers per boat. This decree also prescribed the use of hats and sunshades in order to protect Indians from the direct tropical sunlight and insect bites. Indians also were granted with a two-month break. But the *encomenderos* did not obey the decrees and the consequences were fatal. In a letter to Philip II, a Spaniard explained that despite 40,000 Indians inhabiting these region twenty-five years ago, at that moment there were less than one thousand, and, according to him, most of them did not know how to navigate so they "die as flies."[34]

As the crown's attempts failed, royal officials tried another strategy: to promote the use of black slaves as rowers. These initiatives took particular strength during the last two decades of the sixteenth century. According to the *ordenanzas*, for every 190 *pesos de plata*, 70 would be paid to the *encomendero* if he employed a crew of 5 Indians and 7 black

[33] Mentioned by Fals Borda, *La historia doble*, 42A

[34] Letter from Martín Camacho to the King, 1596 quoted in Mendoza, *Crónica,* 68. It is worth noting that this Spaniard was asking the Crown to change the route from Cartagena to Santa Fe, using an alternate land path that would go through his town. One can think that there were private interests invested in this proposal.

slaves in each canoe.[35] At the beginning, the *encomenderos* refused to use black slaves for the navigation and complained about their lack of experience. They designed a strategy in which they would employ a mixed crew and then, once the boat departed from the port, they would change the black sailors for Indians.[36] However, some *visitas* made during the first decades of the seventeenth century showed that many *encomenderos* started to buy slaves specifically for the navigation's chores, although the majority of *bogas* remained Indians.[37] During these first years, slaves worked side by side with Indians, forming "mixed crews" and producing a very unique space of inter-ethnic relations. Little by little, the African slaves replaced the Indians as *bogas*.[38]

According to historian David Peñas, the transformation of the navigation from a mainly slave-labor activity to a mainly free-labor one was "inevitable," as slave *bogas* were alone by themselves for fifteen days and could easily escape and become maroons. Thus, this author suggests that freedom was a better deal for both rowers and masters. This transformation, however, might be explained also by the general growth of free population of African descent over the enslaved one. This process merits further exploration, but it is sufficient to state that freed slaves soon surpassed the slave sailors, and by the eighteenth century most *bogas* were freemen.

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[35] Ybot, *Los trabajadores*, 87.
[36] Ibid.
[37] Guzmán, Ibid.
[38] David Ernesto Peñas Galindo, *Los Bogas de Mompox: historia del zambaje* (Bogotá, Colombia: Tercer Mundo Editores, 1988). However, it is important to note that the Indian boga was not terminated at all and periodic reports mentioned Indians working as bogas as late as the 1770s, when Moreno y Escandón mentions that. In 1729, for instance, Antonio Manso, the Real Audiencia's president, worried about the decrease of tributary Indians in Tunja and Santa Fe, complained about the fact that when these Indians were sent to work in the Mariquita's silver mines, they runaway and instead of going back to their towns, they became engage with the navigation of the Magdalena river. Antonio Manso, "Informe rendido por el Mariscal de Campo D. Antonio Manso, como presidente de la Audiencia del Nuevo Reino de Granada, sobre su estado y necesidades en el año 1729," in *Relaciones e informes de los gobernantes de la Nueva Granada*, ed. Germán Colmenares. (Bogotá: Ediciones Banco Popular, 1989), I, 31.

The enslaved African population was first incorporated into the haciendas. However, as the freed population started to grow, they began to settle in the Indian towns and the margins of the haciendas. Many of these settlements grew to the extent that by the second half of the 18th century they had became settlements of free people. Other freedmen and women became inhabitants of the urban centers. These were the communities to which the *bogas* belonged. By the eighteenth century the majority of the *bogas* declared to be *naturales* of Mompóx, Tamalameque, and Loba. They mixed their navigation activities with fishing and work as day laborers in the haciendas. In Mompóx and Honda an important part of free people worked in the navigation of the Magdalena River, a foreigner traveler even claimed in the 1820s that they were about 10,000 men.

Humboldt extensively commented on *bogas*. According to him 50 to 60 boats circulated in the river daily, conducted by crews of 12 to 20 bogas who, with the strength of their own chests and arms (See Image 3), "propelled forward the boats by wedging a long forked pole into the river bottom and walking the length of the canopy with the butt of the pole planted on their chests"[39]. Their work, remarked Humboldt, was one of the toughest physical jobs ever; they worked from 5 in the morning to 6 in the afternoon only stopping for a brief lunch break:

> Indisputably, there is no work of greater muscular effort than that of the rowers of the Magdalena River. Since the *bogas* support the pole against their chests, above the nipples, they all have a terrible callosity there, and they use leather plasters (which is very rare) only when wounds appear. The rowers are *zambos*, rarely Indians, and go naked except for *guayuco*. Of Herculean force, they drip sweat daily for 18 hours in a warm, hot climate, in the basin of a river where hardly blows a wind to moves the leaves.[40]

[39] Jason McGraw, *The work*, 75.
[40] Humboldt, *Extractos*, http://www.lablaa.org/blaavirtual/exhibiciones/humboldt/diario/9.htm

Image 3: *Champán* and *Bogas* of the Magdalena River[41]

Each crew was comprised by a "pilot" and, depending on the boat, by a group of 2 to 24 bogas. The pilot was basically a highly skilled *boga* who enjoyed higher status, and was in charge of provisioning the boat, recruiting, supervising and paying the *bogas,* and arranging contracts with merchants and travelers. Because *bogas* operated almost as a gang that hired out itself, it has been suggested that *bogas* were highly autonomous and controlled the timing of their labor. That seemed to have been the case for some *bogas*, but what I argue here is that many of them worked directly for either the boat owners or for royal offices and in consequence their work was more regulated and their activities were more controlled than has been accepted, and this had an important impact in the ways that *bogas* engaged in local politics.

[41] Source: "Champán en el río Magdalena," watercolor by Manuel Torres Mendez (1860) http://www.banrepcultural.org/node/44342.

In Mompóx, for instance, 26 pilots worked directly for the Marques de Santa Coa, the most prominent trader in the city, and made from 3 to 6 travels to Honda each month. In Honda, 12 pilots and 36 *bogas* worked directly for the royal postal service administration. The case of the royal service is useful here to understand more about *bogas*' work organization and to highlight the important but unknown role of Indians and people of African descent in the development and consolidation of communication in the Spanish empire. In places like Peru, Indians played this role, in places like New Granada, free people of African descent had more preeminence:

> The postal service trips (*conducciones*) from Santa Fe to Cartagena, that is 300 *leguas* distant, are different from the postal service trips typically conducted in other parts of the Indies. The postal service valises leave Santa Fe, and upon its arrival to Honda, they are embarked in the canoes with their pilots and *bogas*, who transport the valises by the Magdalena River until Barranca del Rey. The valises are then taken to Cartagena by land. These trips are more costly than any other trip.[42]

Bogas departing from Honda were in charge of taking the mail from Honda to Barranca del Rey. *Bogas* paid in Mompóx were in charge of taking the mail from Mompóx to the Ciénaga de Santa Marta. *Bogas* in charge of taking the mail from Barranca to Honda were paid by Cartagena's administration via its representative in Barranca.[43] The boats or *piraguas* (Honda) or *barquetas* (Mompóx) were property of the postal service.[44] Honda's postal service administration hired between three and four pilots. Each of them made two trips per month and stayed in Honda for approximately 100 days.

[42] AGI, SC, Correos, 214A.
[43] AGI, SC, Correos, 226B, 73B, 78B-85B.
[44] AGI, SC, Correos 226B, 73A.

Table 4:
Salaries Paid to Pilots and *Bogas* of the *Carrera de Cartagena* 1783-1795[45]

Year	Honda - Barranca del Rey (Honda's Adm.)				Barranca del Rey - Honda (Cartagena's Adm.)			
	Pilots and bogas' cost (reales)	Trips pear year	Number of pilots hired	Bogas hired	Pilots and bogas' cost (reales)	Trips pear year	Number of pilots hired	Bogas hired
1783	6528	23	2	2	6960	24	2	2
1784	6528	24	2	2	6960	24	2	2
1785	6528	24	2	2	6960	24	2	2
1786	6528	24	2	2	6960	24	2	2
1787	6528	24	2	2	6960	24	2	2
1788	6528	24	2	2	6970	24	2	2
1789	7344	27	3	2	7830	27	3	2
1790	9792	36	3	2	10440	36	3	2
1791	9792	36	3	2	10440	36	3	2
1792	9792	36	3	2	10440	36	3	2
1783	9792	36	3	2	10440	36	3	2
1794	9792	36	3	2	10440	36	3	2
1795	9792	36	3	2	10440	36	3	2

Cartagena hired two pilots until 1791 when it started to use three pilots, as the viceroy Ezpeleta decreed to add on trip per month.[46] Each pilot was in charge of 1 trip per month, departing on the 10th, 20th and 30th of each month. They were supposed to take the valises from Honda to Barranca and stayed there for 4 days until the valises were taken to Cartagena and taken back again to Barranca with the newly arrived mail. Then, they would

[45] Source: AGI, Correos, 226B, 226C, 78B, 79A, 79B, 80A, 80B,81A, 81B.
[46] The decree was issued on September 5th, 1789 and made effective in 1791, see AGI, Correos, 80B.

take the valises back to Honda. In sum, they stayed, approximately four days each month (100 days a year) in Barranca, and 100 days in Honda.

Table 5: Itinerary of Stops of the Postal Service[47]

Postal Service Stops	Dates	Number of Days in Each Travel	Number of Days Each Month
Honda (waiting for the mail's valise to go back from Santa Fe)	1. From the 5th to 12th of each month. 2. From the 15th to the 22nd of each month. 3. From the 25th to the 1st or 2nd (depending if the month has 30 or 31 days)	7	21
San Bartolomé	No Stops	0	0
Mompóx	No Stops	0	0
Barranca (waiting for the mail's valise to go back from Cartagena)	1. From the 8th to the 12th of each month.. 2. From the 18th to the 22nd of each month. 3. From the 28th to the 2nd of each month.	4	12

3.3. *Iurisdictio est potestas*

It was precisely a Postal Service's *boga* who was the subject of a serious and prolonged conflict between Honda's *alcalde ordinario* and the administrator of the Postal Service. His name was Rafael Aguas, a *mulato boga vecino* of Mompóx. Because of his job he used to spend many weeks in Honda where he used to mingle with other *bogas* and local residents in the El Retiro neighborhood. On the evening of July 6 1796, Rafael had finished his daily chores and was on his way to meet some *bogas* friends to attend a funeral

[47] Source: AGI, Correos, 214A.

of a small child who had recently died. The funeral was taking place in a *chichería*[48] located in this neighborhood.

Around the same time, Honda's *alcalde ordinario*, Don Diego Baeza, was doing his night shifts. Among his duties was to watch El Retiro. Located in the southern limits of the *villa*, El Retiro was seen by the local authorities as a very dangerous neighborhood, a place of quarrels and drunken people, and especially frequented by *bogas*. It was, perhaps, the most policed neighborhood in the villa.[49] That afternoon he was joined by the *alguacil mayor,* the *alcalde de la Santa Hermandad*, and an enslaved man. [50]

Once there, the *alcalde* was attracted by the uproar coming out from the *chichería* where Rafael and his *bogas* friends were drinking. He entered the place, spotted the *bogas* and ordered them to leave the place and the *villa*, as, according to him, the municipal laws prohibited *bogas* from staying in the town after the prayers' time (right after the sunset, at seven PM). The *alcalde* demanded the *bogas* to go to the warehouse they had designated for them to stay. However, Rafael replied to the *alcalde* that they, as bogas of the Postal Service, had another place designated for that purpose and that they did not have to go to the warehouses. Impatient, the *alcalde* told them "to go wherever they were supposed to sleep."

However, Rafael and the other bogas faked their leaving and stayed in the *chichería*. The *alcalde* was informed, and went back to the *chichería* and threatened them with jail if they did not immediately leave the place. That might have dissuaded them because all the *bogas* left except Rafael, who decided to go to another *chichería*. When the *alcalde* entered

[48] *Chicha* is a fermented beverage of indigenous origin, and the *chicheria* was the place where *chicha* was sold and consumed.
[49] By 1775 Honda was divided into three neighborhoods, El Remolino, Alto del Rosario (where the cabildo, the parochial church, commerce, and main neighbors' houses were located) and el Retiro. See: Guzmán, *La Ciudad,* 102 and Roberto Velandia, *La Villa*, 412.
[50] The *alguacil mayor* was members of the cabildo similar to a law enforcer.

that *chichería* and heard Rafael talking, he recognized him as *boga* and then arrested him. When Rafael was getting up from the floor, a knife fell out from his pocket. *Bogas*, according to the *alcalde*, were also forbidden to carry arms.[51] Thus, the *alcalde* ordered Jacinto and Felipe Zicero, father and son, free black men who lived close to the *chichería*, to tie Rafael and take him to the royal jail.

On their way to the jail, the group passed by the postal service administrator's house, Rafael's boss.[52] Rafael, aware of what would follow, started shouting and asking the administrator to help him and make the two black men let him go. The administrator, Don Martín Zaldúa, leaned over the balcony and inquired where the black men were taking Rafael and why. They explained they were taking Aguas to the jail under the *alcalde*'s orders, but Zaldúa commanded them to free Rafael arguing that he (Zaldúa) and only him had the authority to judge *bogas*, because, as their superior, he was the only official who had jurisdiction over them.[53] He also claimed that *bogas* of the Postal Service were allowed to bring arms and that they were not subjected to the authority or jurisdiction of the *alcalde*.[54] The black men, then, released Rafael.

When the *alcalde* was informed of this event, he got angry and decided to bring a lawsuit against the administrator, complaining about Zaldúa's disrespectful behavior and

[51] Carrying guns was generally forbidden for people of African descent; however, there were remarkable exceptions that even though sanctioned by the authorities were highly contested by other vecinos. See for instance, a similar case about militiamen having permission for carrying guns in Mexico City, in Vinson, "Free-colored Voices," 177.
[52] The postal service in the Spanish empire was severely critiqued during the Bourbon period and was subject to major reforms that would even serve as a model for reforming other institutions. One of the changes implemented was that the postal service would be administered by an official appointed by the King as opposed to the private administration that had been the custom since the sixteenth century. This official would name delegates to manage local postal offices. They were called *estafetas* or, in Honda's case, Postal Service administrator (*administrador de la renta de correo*). For a general review of the reform see: Paquette, *Enlightenment*, 111; for a detailed analysis on the reform in New Granada see: Nelson González, "*Contrôle et flexibilité. Le système des courriers dans la Nouvelle-Grenade (1720-1810)*" (Master Thesis, École des Hautes Études en Sciences Sociales, 2012).
[53] AGN, SC, Juicios Criminales, 25, 474r.
[54] Ibid., 475v.

his contempt with "the royal jurisdiction administered by the *alcalde* on behalf of the King."[55] This was the beginning of a prolonged conflict between the two functionaries. According to the administrator, *bogas*, as his employees and dependents, were subject to him and he was the only official with jurisdiction over them and, as such, he and only him could judge them. According to the *alcalde*, *bogas*, as individuals present in the *villa* were subject to the municipal jurisdiction (*jurisdicción ordinaria*) and they had to be ruled according to the municipal laws and to obey and recognize the *cabildo* members as their judges. At this point the case was not really about a *boga* breaking the municipal laws. What was really at stake was who had the faculty to judge and who had to obey whom.

This conflict was in no way unique; many disputes over the same topic had been taking place in this city during decades. A very similar case had occurred two years before, in 1794. In the night of December 11, the *alcalde* of that year was doing his night rounds and heard some voices in the Remolino street.[56] Following the noise, he ran into Cosme Alemán, a *correo de agua*, the same *boga* that in 1799 would have a fight with another official, a confrontation described at the outset of this chapter. He was already working as a pilot of the Postal Service boats. According to the *alcalde*, Alemán was sitting on the floor and had a saber under his blanket. When the *alcalde* interrogated the witnesses, they stated that he had badly injured another *boga*, so he proceeded to take Alemán to the jail.

Alemán told the *alcalde* that he worked for the Postal Service so the latter informed Zaldúa about the arrest the next morning. When Zaldúa got the news he demanded the alcalde to give him the files, as he, as Alemán's superior, was his only judge. The alcalde denied the information arguing that first, Alemán was not wearing any badge indicating his

[55] Ibid., 473.
[56] AGN, SC, Correos (Tolima), 1, 399-417.

was a Postal Service's employee, second, Alemán had not presented any document regarding his appointment as employee of this office, third, he was not in duty hours when he was captured, and finally, he was "widely infamous in the town for his bad behavior." [57] Zaldúa decided to complain before the administrator general of the Postal service in Santa Fe, who, in turn, presented the case before the *Real Audiencia*. The *Audiencia*'s attorney completely supported Honda's mail administrator warning the alcalde to respect "the *fuero* of the employees of the Postal Service."

These conflicts were not in any way an exclusive problem of the Postal Service and they were neither limited to the end of the century, but rather occurred during the entire second half of the century. Another case occurred with another authority, the *juez de puerto* – the royal official in charge of controlling the boats and commodities that arrived in Honda and the collecting of the *alcabala*. In August 1770, when the *alcalde* of that year was out and found two *bogas* at the door of a house that belonged to "some women that because of their *calidad* and their occupation (selling *chicha*) did not deserve any trust [and] being his duty to prevent any offense to God," he decided to take the two *bogas* to the jail. When they were on their way to the jail, the *alcalde* captured another *boga* who, "according to the direction towards which he was walking, he was headed to the house of the woman with whom he illegally and publicly lives."[58]

When the *juez de puertos* got the news of the imprisonment of the *bogas*, he demanded that the alcalde justify the reasons why the *bogas* were in jail so that he could dictate whether or not the motives really merited imprisonment. For the alcalde, this was seen as an intrusion in its office and a serious insult against his honor. The argument is very

[57] Honda's *alcaldes* charged Alemán in repeatedly occasions for disobedience, disrespectful behavior towards different local authorities. Ibid., 409v.
[58] AGN, SC, Competencias, 8, 487-613, 1770, f.520r.

similar to that of Rafael's case. According to the *alcalde*, he imprisoned the *bogas* because they did not obey the municipal law that prohibited them to be in the city after sunset. But, according to the royal official, imprisoning *bogas* was not part of the *alcalde*'s duties and that would definitively delay and hurt the commerce of the city.[59]

These events might be interpreted as being part of the policing and criminalization of which free people of African descent were subject and as the expression of social control mechanisms, and to some extent that was an important part of these events. However, another essential but often under looked aspect that was at stake was a power struggle between local and royal officials, and between different factions of the elites.[60] This fight was articulated around the issue of who was able to judge and thus to control people and resources. Jurisdictional conflicts, thus, were not a mere vanity issue but the privileged space where elites fought over who was able to control people and resources.

Conflicts over jurisdiction in general were common across the Spanish empire and were even typified as a particular kind of legal dispute; they were named *conflictos de competencia.* It is important to understand that these conflicts were not anomalies. On the contrary, they comprised a fundamental aspect of the way in which the Spanish monarchy exerted governance over its domains. Furthermore, they were the privileged space and time in which the King established and legitimated his role as the head of the body politic, and as such, the person responsible for maintaining harmony within it.[61]

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[59] The delay in commercial activities was an argument often used by traders in jurisdictional conflicts. See Rodríguez, "Una justicia corporativa."

[60] These struggles were of common occurrence in the Spanish empire. See Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988).

[61] Lauren Benton work was pioneer in showing the centrality of jurisdiction not only in the Spanish empire but in all the early modern European empires. She importantly showed that the imperial legal-administrative systems grew out of jurisdictional contests on the ground. Furthermore, jurisdictional conflicts were

Early modern notions of *Jurisdicción* resemble, in its more general sense, the modern meaning of it. In a very broad sense, *jurisdicción* meant the power to exert authority or administer justice over determined matters and persons, and the extent of such power.[62] However, early modern jurisdiction has very specific connotations derived from the fact that it was a fundamental part of a state that greatly differed from its modern counterpart. As explained in the introduction, early modern states did not seek a monopoly of power nor did they ground their political legitimacy in the universality of the law and its equal application to all its members, as do modern states. Jurisdictions, in the modern state, are excerpted in a relatively well-delineated way that resembles a hierarchically-ordered pyramid. In contrast, Early modern states – or jurisdictional states - operated on the recognition of diversity. Each body had a particular legal personality and its own set of rights, among which was the right to judge its own members. [63] The role of the king was, then, not to expropriate the power of the different judges but to accept their existence and to arbitrate among them. In this way, the Spanish monarchy was founded on the coexistence of an extensive and complex diversity of jurisdictions that, in many occasions, overlapped with each other. The Spanish empire did not depend, as has often been described, on the existence of an absolute power at the center, but rather on many different authorities each overseeing its own sphere of influence.

The corollary is that each subject of the Spanish monarchy, each member of the body politic, fell under the jurisdiction of a different judge, and followed a different set of

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"powerful engine of change in the relation of empires to one another and to settlers, merchants, imperial administrators and indigenous peoples." Benton and and Ross, "Empires," 7.

[62] RAE, *Diccionario de Autoridades*. It is worth noting that the Castilian word *jurisdicción* had a similar meaning to the English jurisdiction, as both came from the latin *iuris* meaning "law" and *dicere* meaning "to speak". This common ground resonates with Lauren Benton's call for recognizing a shared repertoire of roman and canon law between the British and Spanish empires. Lauren Benton, *A Search for Sovereignty*, xiv.

[63] See also composite monarchy described by Elliot, "An Europe."

laws. Each vassal stood in relation to the state from within a jurisdictional space or sphere, which defined the legitimate position from which they could make claims on the state. This position forged a distinct political existence in the sense that it determined the set of power relations among which the lives of the vassals unraveled.

The jurisdictional conflicts over *bogas*, then, were not a failure, but the expression of the very nature of the Spanish empire building and state-formation. These disputes were, in fact, the early modern fight over political power by definition and what is key to scholars of early modern politics then is to assess this jurisdictional state in its full consequences. That must include an understanding of the particular ways in which this state interacted with the subjects and how these interactions shaped the subject's political understanding and identifications. In this sense, jurisdiction was more than the authority of a judge. It was the very expression of the way in which this society imagined itself and its members. A society conceived of as one divided and differentiated. A body politic composed by different kinds of subjects. In this society, defining one persons' jurisdiction was, at the same time, defining the kind of subject this person was, the relationship she/he has with the body politic and the person's rights and duties. Jurisdiction was the place where the monarchy's subjects were defined and define themselves.

Jurisdictions were not just theories or abstract notions, they had very concrete effects on people, and they shaped, in many ways, their lives. Regarding *bogas*, this feature of the Spanish state translated into the very concrete consequence of *bogas* being able to evade municipal authorities, to develop a sense of interdependence with their superiors and to define themselves as dependents. For the officials, it meant the possibility of intervening other members of the elite's matters and to build certain links of political loyalty with their

dependents. And in the midst of this process, each actor defined its place in the body politic, as we will see in the next section.

3.4 Defining Free Subjects: Among Vassals, *Vecinos*, and Employees

Conflicts over *bogas*' jurisdiction represented the site for defining the status of *bogas*. Authorities tried to define them and they, by contesting these definitions, also established the kind of subjects they wanted to be. This process of definition, however, was not linear or homogenous. It was a complex process that involved different kinds of authorities, conditions and arguments. There was no agreement whatsoever at any level of the Spanish monarchy as to who had undisputable jurisdiction on *bogas* and every authority involved developed intricate arguments that reveal deep legal knowledge as well as its articulation to different interests.

First municipal authorities argued that *bogas* were under municipal council's jurisdiction because they were subjects present in the town and as such they had to obey the municipal laws. The members of Honda's cabildo did not consider submitting the cases to the judges of the places of which the bogas were *naturales*. *Bogas* jailed in Honda declared themselves to be naturals of Mompóx or Tamalameque, towns that belonged to another province (Cartagena and Santa Marta respectively), and as such they might have been judged by the *alcaldes* of their home cities or the governor of their provinces. The alcaldes, then, did not consider *bogas' naturaleza* when judging them. In other words, the cabildo ignored the legal status of *bogas* as *vecinos*. [64]

The municipal authorities claimed jurisdiction over bogas in order to enforce their power over this territory and also to protect the interests of Honda's *vecinos*. It is evident, from the *alcalde*'s words, that *bogas*' privileges implied a threat to the very basis of elite's

[64] AGN, SC, Juicios Criminales, 25, 409v.

social distinction, to their right to have determined privileges. Regarding the fact that bogas were carrying arms, the *alcalde* argued that "distinguished people is forbidden of carrying such arms, that is all the more reason why *bogas*, of whose behavior all the *vecinos* complain, should be forbidden too."[65] According to the corporative logic of privileges, if the possibility of bearing arms was not exclusive to the elite then what would differentiate them from the rest of the people! Bogas not only challenged the *cabildo*'s authority through their way of life, but also by enjoying privileges exclusive to the elite whose interests it represented.

On the other side, royal officials, as authorities of a different kind, as representatives of the King and moved by other interests, justified jurisdiction over *bogas* on very different grounds. These cases involved two different kinds of officials and they both, in different moments, coincided as to *bogas* were granted *fueros*. The Postal Service administrator focused his argument in the fact that *bogas* were his dependents and as such enjoyed the same *fueros* all the Postal Service employees were granted by the king:

> Your Mercy knows that the aforementioned Rafael de Aguas is pilot of the Postal Service Administration and as such he enjoys ***fueros*, privileges and exceptions** granted to this administration, to whose only jurisdiction he is subjected. You should now well that as there is a copy of this *fueros* in the *cabildo* and [bogas] do not have any other superior in this villa other than me … and it is my duty, as the administrator of the Postal Service, to watch **that the dependents my subordinates' *fueros*, exceptions and privileges are guarded**.[66]

The *jueces de Puerto* also claimed *bogas* to have *fueros*. For instance, when addressing the *alcalde* one *juez* compared *bogas*' *fueros* with those enjoyed by clergymen royal officials: "And if the municipal jurisdiction (*jurisdicción ordinaria*) was that extensive that included everything, Your Grace could judge clergymen, royal

[65]Ibid.
[66] My Emphasis. AGN, SC, Juicios Criminales, 25, 485v.

administrators, and myself, which Your Grace could clearly recognize as a notorious mistake."[67]

Even though Postal Service administrators and *jueces de puertos* agree about bogas' *fueros*, they built a set of arguments slightly different. For the former, bogas enjoyed *fueros* because they were dependents and employees. For the later, the arguments were a little more complex. The *jueces de puerto* administered mobile matter and mobile people, and as such, their jurisdiction was defined in order to cope with this fluidity. According to one *juez*, for instance, he had jurisdiction on the canoes and everything contained in them. He did not claim that *bogas,* in strict sense, were his dependents. However, because he was in charge of everybody and everything related to the canoes, he was the natural judge of the people working in the canoes. In this sense, his claim was not territorial but subject-matter oriented.

The other *juez de puertos*, on the other hand, claimed jurisdiction on the grounds of customary practice: "in the criminal or other cases where bogas have been involved, I have always been the judge, either in this villa or outside its jurisdiction, in every matter related to navigation."[68] This jurisdiction, he stressed, has not been limited to bogas navigating but he has also exercised jurisdiction over a boga who was no longer working as such. In order to demonstrate that he had enjoyed this jurisdiction for a long time and that custom supported this claim, he brought up a case that occurred in 1758, when one *boga* named Domingo Fides injured a colleague. At the moment of the injuries Fides was not working as *boga* but as a day laborer, so the judge decided to send the case to the *alcalde ordinario*,

[67] AGN, SC, Competencias, 8, 504r.
[68] AGN, SC, Competencias, 8, 546-547

who, in turn, sent it back to the judge, replying that because he was a *boga* he should be judged by the *juez de puertos*.

In conclusion, royal officials claimed jurisdiction over bogas on the grounds of supervisor/dependent relationship, custom and relationship to the canoes. There was no homogeneity regarding the reasons why the judges had jurisdiction. That was in part precisely because asserting territorial jurisdiction over a river was very difficult. On some occasions they stressed dependency, others employed the relationship with the canoes or just because of custom, and other times they define it as the whole person -they were *bogas* even if they were not rowing anymore- and in doing so they also pushed for their own agendas in the local struggle for power.

The consequence, then, is that a *fuero* that seemed to apply exclusively to *bogas* while they were in the exercise of their duty, was often extended to the very person of the *boga*. In other words, both the *jueces* and royal officials tried to extend the *fuero* both in space, outside the river, and in time, judging them when they were no longer their employees.[69] And officials justified as a defense in the name of the King's service, the good public, in commerce and, lastly in the benefit of the kingdom.

Competencias' trials were to be solved by the Real Audiencia. Once these cases reach the capital, the Real Audiencia handed them to the general administrators and supervisors of the royal officials in order to get their view on the case. After that, they were sent back to the *Real Audiencia* to be reviewed by the fiscal and finally reach the *oidores* to become a decree. Given the diversity of authorities involved in this last stage, there was also a more diverse body of opinions on bogas' jurisdiction. However, in general, they

[69] It is pretty significant the fact that there was no judge of bogas during the colonial era and only in the Republican era an Inspection of bogas (*Inspección de Bogas*) would be established. This office is analyzed by MacGraw, *The work*, 74.

tended to agree with the royal officials. In the cases regarding the Postal Service, it was the general administrator who reviewed the case. In Alemán's case, this official reproached "the *alcalde*'s spirit of partiality, pride and neglect with which he responded to the fair request of the Honda's Postal Service administrator, regarding the liberation of one of his **dependents**, urgently needed for transportation of the mail valises, knowing it was on the administrator to judge this case." In this way, the general administrator supported the idea of *bogas* enjoying a *fuero* stressing also the service they gave to the public. [70]

Finally, it was Antonio Moreno y Escandón, Santa Fe *Real Audiencia*'s prosecutor, the official in charge of settling this conflict. An analysis of Moreno y Escandón's role allows us to assess how Bourbon officials on the ground understood governance and jurisdiction. Moreno y Escandón was one of the most important officials at the viceregal level, one of the leading figures who incorporated enlightened reforms in the viceroyalty, and who was in charge of restructuring Indian *resguardos*, a project briefly described in Chapter 1 and one of the targets of the Comunero revolt critiques that will be further explored in chapter 5. Moreno y Escandón had been born in Mariquita (provincial capital, located close to Honda) in 1736. His political life started in this city, where he acted as *alcalde ordinario*. [71] In consequence, Moreno y Escandón most likely had first-hand knowledge of the *bogas*, the Magdalena River and the jurisdictional fights. He escalated positions and by 1770 was named the prosecutor of the Real Audiencia.[72] He tended to favor bogas' *fueros* and royal officials, specially of the *juez de puertos*' jurisdiction over them:

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[70] AGN, SC, Juicios Criminales, 25, 411v.
[71] Jorge Orlando Melo, "Introducción. Francisco Antonio Moreno y Escandón: retrato de un burócrata colonial", in *Indios y mestizos de la Nueva Granada a finales del siglo XVIII*, ed. Germán Colmenareas y Alonso Valencia. (Bogotá: Banco Popular, 1985), 8.
[72] McFarlane, *Colombia Before Independence*, 310.

> Having support in the Law, and as well as the soldiers enjoy every exemption during their military duty obeying only their respective superiors, bogas must also enjoy this exemption while in their travels between ports, in order to avoid the serious problems that would result from the multiplicity of judges knowing their cases … it is necessary to warn the alcalde put the *bogas* in jail, with such a weak excuse as they were not behaving bad and even ignoring the pilot's justified reasons …from where is evident that the *alcalde* behaved out not of zealous for the justice but from the enmity that rules in that *villa*."[73]

Moreno y Escandón, then, compared *bogas* to soldiers in duty, and argued that bogas would enjoy these *fueros* only when traveling. Another fiscal also stressed that "it was necessary to not harm the *fuero* of the employees of the Postal Service administration" and to warn the alcaldes to rule according to the royal decree that granted this *fuero*." [74]

Broader imperial and viceregal interests shaped the position of the *Real Audiencia*'s prosecutors. They expressed the concern of keeping communication and commerce running, and, in this sense, prosecutors' interests intersected with those of the Honda's royal officials. All these officials' exact words are very telling: they defended bogas' *fueros* in order to "defend the Kingdom's interest." In contrast, the municipal authorities, even though representing a royal jurisdiction, defended their jurisdiction over bogas as a way to defend *vecinos*' interests. *Bogas* then, were in the midst of a negotiation between two different forces.

It is key to mention at this point that the jurisdictional model of governance has often been identified with the Habsburg monarchy, but, and this is something I would like to emphasize, the Bourbon state also relied on it heavily for its reforms. One of the main goals of the Bourbon reforms was to exert direct control over the formerly privately managed royal institutions such as the Mint Houses, the monopolies, and the Postal

[73] AGN, SC, Competencias, 8, 553.
[74] AGN, SC, Correos (Tolima), 1, 416v,

Service. This last institution underwent continuous reform from the beginning of the eighteenth century, intended to end private administration.[75] Its reorganization followed a corporate model, however, according to which all postal service employees were granted *fueros* and privileges. These included being subject only to the jurisdiction of the postal administrator (that is, to be judged only by him), being able to carry arms, permission to use a distinctive uniform, and the right to be respected as postal service employees by other authorities. *Bogas*, as postal service employees, enjoyed these privileges.

In this context, Honda's Postal Service administrators were correct when they demanded that the *alcaldes* release the *bogas*. In theory, they had jurisdiction over them. *Bogas*, however, were both free and highly mobile people, making them part of a very ambiguous jurisdiction that was susceptible to diverse interpretations. The various officials, as members of the diverse factions of Honda's commercial and political elite, each took advantage of the interpretability of the *bogas*' position in an effort to curtail the power of other officials and thus promote their own agendas, concerns, or beliefs.

3.5. *Bogas*' Claim-Making

Bogas were more than just pawns in this power struggle; they were active players who vigorously defended their existence as corporative subjects with *fueros*. Fully aware of the intricacy of their legal status, *bogas* understood the existence of jurisdictions, the intricate juridical practices they entailed, and the power struggles they served. They were also fully cognizant of possessing *fueros*. Let us consider three cases that allow us to see possible ways in which this awareness was acquired and operated in daily life, shaping *bogas*' actions and claims.

[75] In New Granada the postal service was officially reformed in 1764.

To return to Rafael's case: when he was being taken to jail and passed by the administrator's house, he cried out, asking him for help. This strategic action reveals Rafael's awareness of his work's value to Zaldúa, and thus the benefit to Zaldúa of keeping him out of jail, as well as his recognition of Zaldúa's power to free him, and, finally, of his own existence within a particular jurisdiction that might allow him to escape the *cabildo*'s power.

A few years before Rafael's conflict, another boga, Cosme Alemán insulted Honda's comisario de barrio, Don Lorenzo de Recio, a conflict described at the outset of this chapter. In Alemán's case, timing is telling, as the conflict occurred 5 years after Cosme previously had gotten involved in another jurisdictional conflict between the *alcalde* and the Postal Service administrator. At that time the *alcalde* had jailed Alemán for having injured another *boga* but the Postal Service administrator soon released him. In this way, Cosme learned (if he hadn't before) about both the coexistence and overlapping of jurisdictions, and the meaning of *fueros* and privileges, through the very concrete consequence of being able to evade municipal authorities.[76]

Finally, in 1791, three *bogas* of the postal service were carrying the royal correspondence upriver from Cartagena to Santa Fe when a military guard stopped them. Once back in Cartagena, the *bogas* filed a complaint against this guard with their superior, the principal administrator of the postal service. They expressed their grievances in a letter, pointing out that this official made them stop the boat even though he knew they, as *bogas* of the postal service, were not obliged to obey him. Furthermore, they signaled that he had

[76] AGN, SC, Correos (Tolima), 1, 399-417.

not treated them with the respect due employees of the postal service, completely belittling their *fueros*.

These actions and claims speak to *bogas'* awareness of possessing a particular jurisdiction, and, in consequence, of occupying a discrete place within the body politic. *Bogas* were cognizant of their *fueros* and took whatever steps necessary to defend them, either individually, as by publicly claiming to be dependents, verbally protesting, or disobeying municipal authorities and then asking their bosses for help, or collectively, presenting written claims to their superiors.

Why did *bogas* prefer to claim dependency to the royal officials? Municipal authorities and municipal laws attempted to restrict bogas' mobility and by doing so attempted to regulate their social lives. If we look closely at every case analyzed here, each *boga* was arrested while participating in a social gathering. One of the *bogas* who worked for the *juez de puertos* declared that when he was asked by the alcalde where he was heading, the *boga* replied he was going to see *taita* Veleño, "to let him know that his boat was ready."[77] *Taita* is a word used in many countries of Spanish America to refer to a father, a deferent way to address an older person, and, in some places, a voice to refer to an older black man.[78] This single expression, "taita Veleño," expressed a relation of hierarchy, respect and close tie between the *boga* and this person. The *boga,* then, was captured while he was going to see a relative or close person.

Victorino de Ospina, another *boga natural* of Mompóx and involved in the same case declared that the night he was imprisoned, he was heading to the warehouses when he ran into another *boga* named Antonio de Heredia, pilot of the presidio de Carare. Heredia

[77] "avisarle a **Taita Veleño** que ya tengo asegurada su barqueta"AGN, SC, Competencias, 8, 500.
[78] RAE, Diccionario de Autoridades.

asked him to join him and they were heading together to the warehouses when they found the alcalde that took them the jail. [79]

These scenarios are retellings of social encounters, friendship, camaraderie, kinship, solidarities between peers, relatives, and acquaintances. All *bogas* were in the city attending social events (such as the funeral), meeting with peers, and going to visit relatives (either fictive kinship-related such as their *taitas* or affinity such as their female partners). The municipal authorities, while trying to regulate their movements and stay in the villa, posed a threat to *bogas'* way of life. Furthermore, because municipal authorities did not have such a big dependence on their job, at least not in Honda, *bogas* did not benefit from the possibility of negotiating with them as they did it with their bosses. This gave *bogas* a space for negotiation and freedom to move around the city and that was highly resented by the members of the cabildo. In other words, the *bogas* were trying to forge and defend their personal autonomy in the form of spatial mobility and time to form social relations.[80]

Conclusion

Scholars of the Colombian Caribbean have pointed out ways in which *bogas* resisted the "colonial regime" by delaying times of departure and swearing and blaspheming during the trip in order to annoy the passengers. I argue here that, in addition to these practices, *bogas* were highly aware of political and legal institutions and this awareness shaped the ways in which they related to the state and requested things from it. They negotiated with state agents by using legal knowledge and legal tools.

[79] AGN, SC, Competencias, 8, 498v-499r.
[80] Through the analysis of ecclesiastical records, Bennett has drawn attention to the seventeenth-century slaves' uses of autonomy to engage with social practices that reflected their desires, outside the reach of the master and the colonial authorities in New Spain. See Bennett, *Colonial Blackness*, 48.

The cases I analyze here demonstrate that *bogas* developed a strong political awareness of their place in the body politic, their rights, and the existent tools to defend these rights. This awareness was grounded on the belief in their membership in the body politic as a differentiated collectivity, defined by their occupation and granted unique rights. In this sense, *bogas'* actions were framed by ideas of difference and an understanding of a society naturally and righteously divided into diverse bodies, each of them granted different rights.

Political ideas were not just theories or abstract notions, they had tangible effects on people, and they shaped their lives in many ways. In this case, jurisdiction, *fueros*, and privileges had very concrete consequences for bogas. This feature of the Spanish state allowed *bogas* to evade municipal authorities, develop a sense of interdependence with their bosses, and define themselves as dependents, while providing them with tools to address claims to the state.

Historian Aline Helg has argued, "Until the advent of steamboats in the mid-nineteenth century, bogas had exclusive control of Magdalena transportation. Yet, their very independence and means of coping with hardship explain why they did not organize across the profession." [81] This is a suggestive thesis but unfortunately she does not provide any supporting evidence. In turn, James McGraw demonstrates how *bogas* in 1857 went on strike claiming to be the people in charge of mail since immemorial times and saying they have been doing this with great honor. Just fifty years, but many political changes, separate these *bogas* from Aguas, Alemán and the others. However, this organization was not fueled by independence but from a tradition of individual and collective action on the grounds of their labor.

[81] Helg, *Liberty & Equality*, 69.

I argue that the fact that *bogas* enjoyed special jurisdiction and *fueros*, led them to develop a collective identification on the basis of their occupation. Within the colonial society they were more likely to do so than free people without any kind of corporative recognition or special privileges, who are the subjects of the next chapter.

CHAPTER 4

"Humble People Without a Mouth to Complain With:" Free and Poor Vassals

In September 1768, Don Lorenzo Penedo, a Spanish *vecino* of the city of Ibagué and *procurador general*[1] of its cabildo, informed the *alcaldes ordinarios* that "the *mulatos*, *zambaigos*, and other outlaws [of this city's jurisdiction] are laid-back."[2] Even though it was not the provincial capital, Ibagué was the most populated settlement of the province of Mariquita, with 3,759 inhabitants in 1778, of which 2,850 – approximately three quarters - were classified as "free of all colors" (*libres de todos los colores*). Ibagué's jurisdiction comprised four parishes (*parroquias*) that amounted to 7,986 inhabitants of which 5,926 - 74.02%- were free.[3] In urban centers, these free inhabitants worked as tailors, shoemakers, silversmiths and street vendors. In rural areas, they were employed as day laborers in the cattle-raising and agricultural haciendas. But because Ibagué was located at the crossroad of the paths that connected Cartagena and Santa Fe to the western provinces of the Popayán, Chocó and Quito, the people to which Penedo referred as "mulatos and zambaigos" mostly worked as carriers (*cargadores*) in the mountainous path that traversed the central *cordillera* to Popayán, known as the Quindío pass.

[1] *Procurador General* was one of the officials of a *cabildo*. This official was in charge of representing "the public interest" before the *cabildo*. Among other duties he should oversee the municipal supply of water, meats and provision. This important position has not received the attention it disserves. For studies on these officials see: Luis Miguel Córdoba Ochoa, *De la quietud a la felicidad. La villa de Medellín y los procuradores del cabildo entre 1675-1785* (Bogotá: Instituto de Cultura Hispánica, 1998), 31.

[2] AGN, SC, Empleados Públicos (Tolima) 8, 714-742, 1768, Ibagué, f. 721r. I analyzed this case in a previous work, focusing on the categories the different authorities involved used to refer to this same group of people. See Katherine Bonil Gómez, *Gobierno y calidad en el orden colonial. Las categorías del mestizaje en la provincia de Mariquita en la segunda mitad del siglo XVIII* (Bogotá: Universidad de los Andes, 2011), 170-176.

[3] Figures taken from the 1778 census published by Tovar, *Convocatoria*, 569-577.

The Quindío pass was infamous among travelers and authorities (colonial and republican) for its extremely difficult topography, its wild nature, and its carriers, who were commonly identified as robbers and delinquents. Echoing this view, Penedo complained about how the "*mulatos*, *zambaigos*, and other outlaws" used to steal goods from the traders and travelers, or, in the worst case, to leave them in the middle of the forest to their own devices. Penedo's report, then, was intended to support his request that the viceroy name him as the judge responsible for the path and the carriers. Penedo proposed that he should be in charge of organizing the transportation of goods, people, and the collection of the shipping costs. In other words, he requested the viceroy to grant him exclusive jurisdiction over this group of free workers and their activities.[4]

His petition was not well received by the members of the *cabildo*, however, as they argued that Penedo was moved more by personal interest than by a real concern in "the wellness of the Republic." Further, the *cabildo* argued that Penedo was close to the merchants of the area and therefore that he was just seeking to extract cheap labor from these workers, to whom they referred as "humble people without a mouth to complain with."[5]

The debate that this petition sparked among the members of Ibagué's *cabildo* accurately exposed the economic and political pressures which affected the lives of thousands of free inhabitants of African descent of the Magdalena River valley during the eighteenth century. The debate surrounding Penedo's petition shows the economic relevance that this population had acquired as potential labor force for the local elites by the middle of the century. In fact, one of the complaints Penedo presented before the cabildo

[4] AGN, SC, Empleados Públicos (Tolima) 8, 732r.
[5] AGN, SC, Empleados Públicos (Tolima) 8, 714-742, 1768, Ibagué. F. 732r.

was that these "mulatos and zambaigos" were free to chose their activities at their will. This led all of them to hire themselves out as carriers despite, he stressed, the great need for workers in the haciendas of the region.[6] Penedo's project, then, aimed not only at organizing carriers' work but to channel labor force for agricultural activities. In this sense, their freedom was defined as the ability to chose their employment.

The debate on Penedo's project also demonstrates the political place that free people of African descent occupied in the mind of local elites. For some, as *procurador general* Penedo, they represented a loose population whose jurisdiction could be claimed in order to advance their own political agenda.[7] For others, as the rest of the cabildo, they occupied a place that is condensed by the expression "humble people without a mouth to complain"—people who in other words, were unable to speak for themselves and unable to directly address the authorities to voice their grievances.

In the previous two chapters, I argued that not only the military and the church, but also traders and *bogas* as employees of the royal offices enjoyed the privilege of address their complaints directly to the colonial authorities using their corporate identifications. From the monarchical state point of view, these traders and *bogas* had a legitimate position from which they voiced their complaints. Yet among the population of free people of African descent, there was an important sector that was denied the access to any kind of privileges, as well as the possibility of collectively organizing as corporate groups in order to make claims to the monarchical authorities. This chapter explores the strategies that

[6] Ibid, 721r.

[7] In this sense, this case is also illustrative of the ways in which the jurisdictional state worked. New jurisdictions might be created at anytime, by virtue of petition of *vecinos*, as far as they represented benefits for the Crown. In this case, the benefit was the collection of transportation fees. And that was precisely the reason why the *cabildo* denied the petition, as it would entail severing its jurisdiction. In fact, in a later letter to the Real Audiencia, Penedo argued that Ibagué's cabildo had jurisdiction over the carriers but because it never did anything to regulate their activities he was now forced to claim jurisdiction over them.

these people, described by the authorities and by themselves as "humble," "poor" or "plebeian," developed in order to forge a legitimate space in which to voice their grievances.

Tracing the strategies of claims-making of free people in the rural areas in the eighteenth century requires one to take into account the confluence of broader imperial and regional processes that produced larger pressures on the lives of free-black people. Changes in imperial methods of governance (explored in Chapter 1), reforms such as the creation or reorganization of monopolies and royal offices (explored in Chapter 3), the expulsion of the Jesuits, and a growing demand for land and labor at the viceregal level, resulted in both collective regional and local projects and individual actions that attempted to compel, either legally or violently, free people of African descent. Far from being subjects with "no voice to complain," free people found different ways to react to these pressures and to complain or contest it. As we will see, free people were not simply passive actors, and, as James Scott has shown for other subaltern groups, they developed "everyday forms of resistance" intended to relieve or deny claims made by dominant groups or even to make counter-claims to those dominant groups.[8] This chapter, then, focuses on the responses of free people of African descent to the aforementioned pressures.

The first section of the chapter traces the imperial forces and regional processes that produced greater pressure over free people. By identifying the reforms that most affected free people and the ways in which they impacted this population, this section establishes the political and economical framework necessary to understand the motivations free

[8] Scott, *Weapons of the Weak*, 33. Scott's work and his concepts on popular and peasant politics have been central for those historians of the indigenous communities under Spanish rule, nineteenth-century peasants and state-building process and slavery in the Americas. For an application of concepts such as hidden transcripts and everyday forms of resistance to colonial indigenous politics see Serulnikov, *Subverting*.

people had to attend courts that are analyzed in the second and third part of the chapter. Second and third sections explore the individual and collective ways in which free men and women made their voice heard. The second part of the chapter explores the individual complaints and requests that free people presented before different judges. It underlies, on one hand, their motivations, and, on the other, the legal strategies and identifications that free people called upon. The final section explores a series of slave revolts that occurred at the end of the eighteenth century and where free people participated. Through these revolts, it is possible to study how some free-black groups supplemented their legal claims with violent actions intended to elicit justice from the authorities.

4.1. Imperial Reorientations and Regional Pressures

The eighteenth century was a period of change in politics and governance across the Spanish empire. Processes of political and economic transformation not only impacted capital cities but also, increasingly affected small towns and rural areas, and, in doing so, impacted the lives of free people of African descent who inhabited these spaces. In New Granada, Bourbon reforms coincided with emerging local pressures over resources such as land and labor, and joined already and deep-rooted practices of restricting actual manumission and of re-enslavement,[9] increasing the burdens free people faced and producing an ambience of growing discontent among them in particular, and popular classes in general. This first section traces the reforms that most affected the Magdalena River region and the ways in which they interacted with regional and local processes.

[9] I term practices of re-enslavement those actions and claims, legal and illegal, that colonial subjects – either masters or any *vecino* – undertook in order to subject free individuals to slavery.

4.1.1. Imperial Concerns

Two processes at the imperial level had a particularly significant impact and are of great relevance to understand free people's claims and concerns during the second half of the eighteenth century, both of which were part of the broader Bourbon reforms. The first was the creation of new *estancos* (royal monopolies on the production and distribution of certain commodities) and the reorganization of the already existent ones. The second process was the expulsion of the Jesuits from the Spanish dominions.

Monopolies were not a novelty; the Castilian kings had regulated the production and trade of many products such as tobacco, salt and sugar cane through private contractors since medieval times. However, Bourbon monarchs, interested in increasing revenues, implemented gradual reforms intended first to put these administrations under direct royal control (appointing a royal official as their administrator), and second to implement measures to control the prices, the amount of product to be sold and purchased, the group of legal cultivators and wholesalers, and the permitted areas of cultivation. While restricting all these elements of the market, these reforms created a larger competition among producers, sharply increasing demand both for lands located in the permitted areas and for the labor force required to work the land.[10]

Two monopolies affected the Magdalena River valley inhabitants: the *aguardiente* and the tobacco monopolies.[11] The manufacture of *aguardiente* required sugarcane, and in fact most of the sugarcane production of the viceroyalty was intended to serve the

[10] For a study of tobacco monopoly in New Spain see: Susan Deans-Smith, *Bureaucrats, Planters, and Workers: The Making of the Tobacco Monopoly in Bourbon Mexico* (Austin: University of Texas Press, 1992). For a detailed analysis of the ideological underpinnings of the restructuration of monopolies see Paquette, *Enlightenment*, 111 and Phelan, *The People and the King*, 20-27.

[11] For a study of these monopolies in New Granada see: Gilma Mora de Tovar, *Aguardiente y conflictos sociales en la Nueva Granada durante el siglo XVIII* (Bogotá: Universidad Nacional de Colombia, 1988); Renée Soulodre-LaFrance, *Región e imperio: el Tolima Grande y las reformas borbónicas en el siglo XVIII* (Bogotá: ICANH, 2004).

fabrication of this beverage. The soils of the Magdalena River valley were extremely fertile and suitable for sugarcane, and thus some of the largest sugarcane *haciendas* of the viceroyalty were located in the area.[12] The cultivation of sugarcane in New Granada, however, developed a different pattern from the other European colonies where huge plantations with numerous slave gangs concentrated their work in producing sugar.[13] In New Granada, only some haciendas followed this pattern and they shared the production with a significant number of small farmers. The majority of these farmers were free people of African descent and *mestizos* who rented land from large landowners and established *trapichitos* or small mills. Their productive unit was centered around a single family joined by perhaps one or two slaves. For these reasons, small farmers constituted notable competition for large-scale producers, as their investment was far smaller than that of the latter. The monopoly of *aguardiente*, created in 1736, determined the amount of cane to be sold and the list of authorized sellers. As a result, larger cultivators started to compete with small farmers for the right to sell the cane to the *estanquero* or monopoly administrator.

The establishment and consolidation of the *aguardiente* monopoly, then, created more tensions between *hacendados* and small producers. The former requested the authorities to ban the production of sugarcane by small farmers and used their political relations in order to do it. These requests were framed with a moral language, according to which the large-scale production, as a state-supervised activity, was morally superior while, in contrast, small farmers were people of the lowest *calidad* and "dissolute behavior." This

[12] The monopoly over *aguardiente* was first established in 1736 and put under direct royal administration in 1760.
[13] There existed variant patterns regarding the size of the plantations and the size of the slave gangs in Brazil and Argentina.

was clearly stated by a group of Santa Fe's vecinos who owned lands and mills in the Magdalena river valley and requested the King to ban the small mills in 1754:

> It is easy to find, across all the lowland (*tierra caliente*) surrounding this city, individuals even of *calidades* such as *mestizos, mulatos, negros* and *zambos*, owning small mills (*trapichitos*) which provide shelter for the most evil, vagabond, and unrestrained people, with no obidience to the law.[14]

The *hacendados* also stated that because small farmers did not pay taxes and did not own slaves (they said they used to employ criminals, runaway slaves and tribute-paying Indians), they were able to produce syrup at an insignificant cost, which discouraged large-scale production. The *hacendados* represented tax-paying not only as an expense but also as a moral duty. An individual who paid taxes was a worthy subject for the body politic. According to this logic, the, small farmers did not have any worth for the political community. Furthermore, because the small producers not only competed for buyers, but also produced for their own consumption, they did not participate in the commercial system. To the eyes of the *hacendados*, this made them also useless vassals. These complaints, then, were intended to make the authorities to ban their cultivation and established the *hacendados* as the only legitimate producers and sellers of sugar cane.

The other monopoly relevant to the history of the Magdalena River Valley was tobacco. Prior to the establishment of the royal monopoly in 1744, tobacco was not a significant crop and there were few tobacco plantations. Those that did exist were intended to serve only the markets of the gold mining areas and main urban centers. However, by the middle of the eighteenth century, tobacco growing experienced a critical expansion that

[14] Letter addressed to the Secretary of Peru by "los Dueños Principales de Ingenios de Azúcar, Trapiches de moler caña de miel de la ciudad de Santafé de Bogotá, del Nuevo Reino de Granada [y su jurisdicción]," AGI, Santa Fe, 677, No 15.

impacted particularly the valley of the Magdalena River.[15] It is not clear whether this boom was prior to or was a consequence of the renewed interest of the Crown in this crop as a rich source for revenues. In either case, the production of tobacco started to be controlled by the Crown through a private contractor who had the right to organize its sale and distribution.[16]

This monopoly affected the Magdalena River Valley after the 1774 reforms of viceroy Manuel Guirior (1772-1776), establishing only four authorized areas of cultivation throughout the whole viceroyalty. One of these areas was the jurisdiction of Ambalema, a small town located on the west bank of the Magdalena River.[17] The creation and reorganization of this monopoly and the existence of unoccupied lands attracted the migration of people, mostly poor whites, *mestizos*, and free blacks, *mulatos*, and *zambos*.[18] By 1778, 20% of the population of the province was concentrated in this area and free people comprised an important sector of it (Coello 37%, Ambalema 62%, Piedras 68%).[19] Some of the migrants settled unoccupied lands or rented land from the Panches *resguardo*, the only remaining Indian *resguardo* in this province, and the haciendas, and started to cultivate tobacco.[20]

The impact of this monopoly over the inhabitants of this region is still a matter of debate. Some authors have argued that the tobacco monopoly did not create tensions over land between landowners and planters and small landholders because there were many

[15] Bejarano and Pulido, *El tabaco*, 74.
[16] In 1764 the viceroy rented the right of purchase and distribution to José Mesa y Armero, neighbor of Mariquita, member of probably the most prominent family of the elite, slave and landowners, and growers of tobacco.
[17] The area of cultivation went down the river along both banks, from the Coello to the Gualí river (some miles north Honda).
[18] Bejarano and Pulido, *El tabaco*, 74.
[19] Figures calculated with the information of the 1778 census published by Tovar, *Convocatoria*, 577.
[20] Indian population in this area had decreased dramatically and by the second half of the eighteenth century there was just one resguardo in this province, the Panches *resguardo*.

unoccupied lands. Furthermore, if it is true that the limitation of the legal cultivation area left some farmers outside the market, then the majority of them managed to keep their crops included in the monopoly and, in fact, benefited from the regulation of the tobacco prices.[21] In this sense, scholars argue, this monopoly did not affect people in the same way the *aguardiente* monopoly did. However, a closer view to judicial files of the area shows that, first of all, there was pressure from the elites over the Indian lands and important attempts at relocating the remaining tribute-paying Indian population in order to free some of their lands. In the jurisdiction of the city of Tocaima, for instance, there were projects aimed at either eliminating Indian towns or severing their territory.[22] Secondly, the large-scale cultivators and landowners increasingly attempted to find the means to constrain free people and extract labor from them either for cultivating tobacco. And third, the illegal production of tobacco and its contraband trade became an acute problem in the region. Furthermore, as the next chapter will show, one of the main causes for the 1781 Comunero revolt to spread to and take strength in this area revolved around a disputes arising from the impact that tobacco monopoly had on free laborers. It is possible to argue that at least some of the pressure over land and the persecution of illegal cultivation were originated or accentuated by the establishment of the monopolies. In sum, the establishment and reorganization of these monopolies led local elites to exert pressure over free people in order to make them stop growing certain products, freeing the lands that they had been settling and cultivating over the course of decades, and forcing them to join haciendas as day laborers.

[21] Prices were fixed by the royal official. Román de la Pedraja, "Los cosecheros de Ambalema, un esbozo preliminar," *Anuario Colombiano de Historia Social y de la Cultura* 9 (1979), 43; Bejarano and Pulido, *El tabaco*, 100; and Soulodre-La France, *Región e Imperio*, 153-154.
[22] AGN, SC, Empleados Públicos (Tolima) 2, 191-345.

The other major reform that originated in the metropolis and affected the rural areas of the Magdalena River Valley was the expulsion of the Jesuits from the Spanish dominions. It is somewhat surprising that scholars of the Bourbon reforms in the New Granada often cite the definitive establishment of the viceroyalty (1738) and the *Visita General* (1778-83) as the reforms with the largest impact in cracking "the political equilibrium" of the viceroyalty.[23] However, the expulsion of the Jesuits (1767), which was a keystone of the Bourbon reformism, had a huge impact in the political life of New Granada, as it had in all the viceroyalties.

By the second half of the eighteenth century, the Jesuits had become extremely wealthy and powerful in Europe and in the Indies. The fact that their loyalty was first with the Pope and not with the European monarchs made the latter consider the order's autonomy and influence as a direct challenge to their ongoing projects to centralize power. As part of a broader drive to assert the power of the state over the Church, European monarchs expelled the Order from their kingdoms and overseas territories, starting with Portugal in 1759 and followed by France in 1764. In Spain, this same process took its strength from Bourbon regalist ideology, and Charles III expelled the Jesuits from Spain, the Spanish colonies and Naples in 1767.[24]

By that time, the Order had gained enormous power in the Indies, monopolizing the education of elites, maintaining a strong presence in the frontiers of the empire with their missions[25] and becoming the biggest landowners and slaveholders in almost all the viceroyalties. In New Granada, Jesuit estates, even though not as large as those in the older

[23] See McFarlane, *Colombia Before Independence*, 249.
[24] For a further explanation of this process as well as its ideological underpinnings see: Paquette, *Enlightenment*, 67-87.
[25] Weber, *Bárbaros*,

viceroyalties, exceed any private fortune.[26] They owned large cattle-raising haciendas in the provinces of Cartagena, Mariquita and Neiva, and agricultural crops such as sugarcane, cacao, and fruit trees in Mariquita and Santa Fe, as well as several sugar mills.[27] Jesuits had the largest gangs of slaves.

Jesuit estates were strongly articulated with local and regional markets. The haciendas in the provinces of Neiva and Mariquita, for instance, supplied Honda, Santa Fe, and the southwestern province of Popayán's markets.[28] These circumstances made the Jesuits highly influential not only as suppliers of the main markets and central actors in the viceregal politics, but also as key actors in regional and local politics as well as in the daily life of the people in the rural areas along the Magdalena River valley. Their expulsion produced a reorganization of land and slave ownership and the establishment of new conditions for their former slaves and free workers that deeply affected their lives. After the expulsion, Jesuit assets became royal property and were administer by a Junta. Mismanagement lead that most of their estates lost value and were finally fragmented and sold to new owners. Similar process occurred with the slaves, who revolted against the new owners. For punishment the gangs were divided and sold to other *hacendados*, a process that will be further detailed in the last section of this chapter.[29]

4.1.2. Regional Forces

The Bourbon reforms designed in the metropolis coincided with changes at the viceregal level, which also helped magnify their impact. First of all, as has been mentioned in this dissertation, eighteenth-century New Granada experienced a general demographic

[26] Germán Colmenares, *Haciendas de los jesuitas en el Nuevo Reino de Granada siglo XVIII* 2 Ed. (Bogotá: Tercer Mundo Editores, 1998): xvi.
[27] Soulodre-La France, "*Los esclavos de su Magestad*," 178.
[28] Clavijo, *Formación*, 347.
[29] This process has been further analyzed by Clavijo, *Formación*.

growth. Not only did the population of free people grow, but so too did the population of elite and white sectors as the result of both natural growth and migration of Spaniards attracted by the new economical incentives. The rising arrival of Spanish migrants engaged with commerce has been also indicated for New Spain, and New Granada also conformed to this demographical trend.[30] During the first half of the century, wealthy traders and military men moved from the Peninsula and established themselves in New Granada, purchasing lands and marrying creole women from local elite families. Many of these men became landowners and generated a growing demand on the best lands and, of course, on the labor force.[31]

The fact that many free persons had settled either unoccupied lands or in the margins of the haciendas during the first half of the eighteenth century, and that the traditional sectors of workers—Indian and slaves—had declined, resulted in an interest by these new landowners in both the lands and the labor of the free population. The conflicts between free settlers and landowners augmented by the mid-eighteenth century as well as the projects intended to recruit or control free labor. The key issue became how to compel people to work, a need that was particularly urgent, as most of the free inhabitants of these regions were self-sufficient. Viceregal elites (regional and local), then, pushed harder to extract land and labor and to produce subordination over this population.

A great example of the rising pressure and its coincidence with imperial concerns is the proliferation of projects intended to relocate free people of African descent and indigenous groups, both Hispanicized and autonomous. As introduced in Chapter 1, the

[30] For Spanish migrants to New Spain see David Brading, *Miners and Merchants in Bourbon Mexico, 1763-1810* (Cambridge: University Press, 1971).
[31] There are no studies on Spanish migration to New Granada. However, the case-studies of commercial elites in Antioquia, Cartagena and Mariquita provinces offers evidence to argue for the existence of a significant group od Spanish migrants, engaged with commerce and through family alliances, becoming landowners and miners. For the regions here analyzed, Clavijo, *Formación*; and Daza, Los *Marqueses*.

mid-century was a period of intense relocating activity. During the rule of the viceroys Sebastián Eslava (1739-1749), Jorge Pizarro (1750-1753) and José Solís (1753 -1761), several projects that had the explicit goal of or resulted in the grabbing of lands took place in many areas of the viceroyalty. These projects have been particularly explored for the Caribbean plains—provinces of Cartagena and Santa Marta—, and the Andean highlands —provinces of Tunja and Santa Fe—.[32] However, and even though at a different pace and magnitude, important relocation projects also took place in the lowland provinces of the interior. Officials undertook these projects with such vigor because they articulated the interest of the viceroy both to secure the viceroyalty against any European incursion and to reduce the number of "barbarian Indians," with the interest of local elites for acquiring new lands, a stable work force and political influence. In doing so, they generated competition to grab the lands and extract the labor of the inhabitants of these regions.

A case that perfectly illustrates the intervention of imperial concerns at the regional level and the resultant tensions is the conflict over the lands of the *hacienda* of Santa Cruz de Loba, located in the jurisdiction of the city of Mompóx. By the 1730s several families of free people had settled in this hacienda. When the *hacienda*'s owner, the priest Don Ignacio de la Rocha, died, his heirs sold the *hacienda* to the captain Matías de Salas. The sale was conditioned so that the captain had to "expel, from said *hacienda*, all the free persons that inhabited there … incorporated with the slaves of said *hacienda*." In total, the land sale necessitated the expulsion of 35 families, which Captain Salas pursued through the court. The Mompóx's *alcalde ordinario* name a judge in charge of the will and the expulsion, and he issued the eviction, requiring the head of each family to sign a document declaring they

[32] Fort he Caribbean plains see Herrera, *Ordenar para controlar*; for the Andean highlands see Bonnett, *Tierra y conflicto*.

commit to abandon the *hacienda* in the peremptory term of 8 days, taking with them their animals and goods.[33]

The eviction was completed and the lands freed for Captain Salas who later sold them to José Fernando de Mier y Guerra, the Spanish militar in charge of relocating free people living in the lower Magdalena River Valley (described in chapter 1) and member of one the most important families of the Viceroatly. De Mier family had been founded by Juan Bautista de Mier y Torre, a Spaniard from Burgos, who had arrived to New Granada in the 1720s. Upon his arrival to Mompóx, Juan Bautista was named royal offical and married the daughter of a rich *encomendero*, inheriting, thus, large amounts of lands. Juan Bautista engaged in commercial activities and cattle raising, adquiring a fortune that allowed him to buy, in 1744, the title of *Marqués de Santa Coa*. Juan Bautista, then, brought two nephews from Spain, who, in turn, married the his daughters. Both nephews, but especially José Fernando, designed a set of strategies to adquire huge amunts of lands. They bought lands from locals and also engaged in projects for relocating free people who lived *arrochelados*, [34] and launched military campaings against "barbarian Indians" (described in chapter 1), activities all that, on one hand, "liberated" lands for them and for other vecinos, and on the other, earned them to be rewarded with more lands. They combined these activites with commerce and navigation (described in chapter 2) and bought large gangs of slaves, becoming one of the wealthiest and most powerful families of the Viceroalty.[35]

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[33] "Testimonio de entrega de posesión del hato y tierras de Loba,"AHM, Notaría 1ª, Caja III, Cuaderno 6.
[34] In *rochela*, a type of settlement of free people described in Chapter 1.
[35] The grabbing of lands in the Caribbean plains is analyzed in detail in Marta Herrera, *Ordenar para controlar*; the formation of the Santa Coa's family in Daza, *Los Marqueses* and the land expropriation by Fals Borda, *Historia Doble*.

It is not a coincidence that another Spanish military officer, Juan Felix Ramírez de Arellano, who was part of De La Mier troops, initiated a similar process in the interior province of Mariquita few years after. The life of Ramírez de Arellano is also very telling of the historical processes taking place across the Spanish empire. He arrived in New Granada in the 1760s, participated in the military campaigns with De La Mier in the Caribbean plains, then traveled to Santa Fe where became notary of the *Real Audiencia*. It was in this position that he likely gained access to the information of lands and goods seized from the Jesuits. Having gained this knowledge, he purchased one of seized *haciendas* in the jurisdiction of the city of Tocaima. When he arrived to the area he married the daughter of one of the most prominent families of Ibagué city's elite and initiated a programmatic reorganization of the *hacienda*, of the administration of justice in that territory and of the lands of the Panches Indians *resguardo*.

Similar cases of Spanish migrants and elite's projects were replicated along the Magdalena River valley, such as Penedo's project (which opened this chapter). These Spaniards took advantage of the viceroy's urgent need to conquer "barbarian Indians" and secure frontiers, and by offering military service to the King, acquired either lands or jurisdiction over their free inhabitants.

Competition for lands, competition for markets, and the need for a labor force, made viceregal officials and local elites, more invested than ever before in controlling and compelling free people. This pressure took the form of wide-scale projects but also of individual actions, such as re-enslavement attempts, seizing of goods (especially land and crops), and bringing lawsuits and complaints against free people. It is worth noting that many – if not all– of these projects and individual actions sought legal justification, producing discourses of vagrancy and immorality. These discourses included the

representation of the Quindío pass' porters as delinquents, the images of immorality of sugarcane small producers, and the use of tropes of vagrancy, evilness and idleness to describe *arrochelados*.

Free people actively responded to these challenges in different ways. They employed whatever tools they had at hand, individual and collective, open and implicit, either by bringing lawsuits to the courts or defending themselves against the charges of others. In doing so, they claimed a membership to the monarchy as political subjects, with their own ideas of fairness, justice and good governance. In the next two sections I analyze the different ways free people found to voice their grievances.

4.2. Free People Going to Court

On February 1763, Juana María de Alvarez, after a four-day trip from Honda, arrived to Santa Fe to file a request before the *Real Audiencia*. Through the defender of the poor (*procurador de pobres*),[36] Juana María asked the Audiencia's ministers to protect her freedom as some neighbors of Honda were trying to sell them as slaves. Juana María explained in her letter that she had been born free, as her mother, who had been slave of a Captain Juan Alvarez, *vecino* of Guaduas, had purchased her freedom. Disregarding her manumission, however, Captain Alvarez had sold Juana María as slave to Pedro de San Miguel, who took her to Quito where she served for several years. After a while, Juana María recounted, she decided to travel to Honda to stay with her daughter and while there, the Carrasquilla family attempted to illegally sell her as slave. To fight this sale, Juana

[36] The *Procurador de pobres* was a member of the *cabildo* or the *audiencias*, in charge of serving as representative for the poor before the court.

María traveled first to Guaduas to request her baptism record and some witnesses' testimonies and then to Santa Fe to formally request *amparo de libertad*.[37]

Most of the testimonies Juana recollected came from guests or servants of Captain Alvarez's house. All of them agreed that the mother of Juana María used to work in the house and when the Captain reprimanded his slaves, Juana María's mother used to reply that she was not his slave and that "he better go look for someone else to cook for him." She allegedly also yelled that "she would leave whenever she wanted and she was living at the Captain's house only to make him company."[38] Juana María gathered all these testimonies in the hopes they would prove her status as free, so that neither the Honda's neighbors nor any other person would try to sell her again and she could move of her own volition with no fear that anybody could threat her freedom again.

Juana María's is just one of many cases of poor free people of African descent advocate for themselves before the authorities. Though members of the elites saw free people without a mouth, in the reality, free people were all but mute. Enslaved Africans learnt how to voice their complaints before different judges and developed a deep-rooted tradition of engaging with monarchical legal institutions and judicial notions from the earliest years of the Spanish conquest. As historians have recently argued, enslaved subjects were not just litigants but active subjects in the shaping of imperial jurisprudence and legal understandings of sovereignty, jurisdiction, and governance.[39] Accordingly, enslaved

[37] AGN, SC, Negros y Esclavos (Cundinamarca) 1, 253-319.
[38] AGN, SC, Negros y Esclavos (Cundinamarca) 1, 253-319.
[39] Sherwin Bryant has evidenced how slaves sued their masters since the early 1590s and insisted on how historians have somehow overshadowed these early interactions by focusing only on eighteenth-century litigants and Bourbon reforms and Enlightenment ideas' impact on slaves' political culture. See Bryant, *Rivers of Gold*, Chapter 4, 118. Cristina Navarrete analyzes cases happening in New Granada during the sixteenth and seventeenth century. Navarrete, *Génesis y Desarrollo*, Ch. 4. Bryant, Rivers of Gold; O'Toole, *Bound Lives*, Ch. 5

subjects transmitted their legal savvy to their free descendants who attended often the courts for a great array of purposes.

One of the main and perhaps the most fundamental motivation was precisely to secure their status as free vassals. As Juana María, thousand of free persons of African descent who lived among the poorest in the cities and rural areas, had to constantly demonstrate and defend their existence and legal status as free vassals. And as Juana María, not only recently free, but even first and second generation born-free men and women lived their lives under the ubiquitous threat of re-enslavement, that is to be illegally sold, held or obliged to work and be subjected to a third person. In 1794, for instance, María Teresa Avilés, a free *vecina* of the city of Ibagué, went to the *cabildo* to complain about a *vecino* who had claimed before that same tribunal that not only María Teresa, but also her son Marcelino and her granddaughter María Antonia, were all his slaves.[40] It was possible, then, that even persons of at least third generation born-free were targets for re-enslavement.

Practices of re-enslavement were pervasive in the colonial society.[41] This was partly due to the extreme ambiguity the judicial process of acquiring freedom involved. Even though the different codes that regulated slaves' lives in the Indies – *Las Siete Partidas* and the *Compilación de Leyes de Indias* – clearly stipulated the right slaves had to pursuit freedom, the casuistic nature of the law gave place to a great extent of interpretation on the matter, which, in turn, make it relatively easy for masters to difficult actual manumission or for third persons to claim property rights over already freed vassals.

[40] AGN, SC, Negros y Esclavos (Tolima) 3, 401-412.
[41] Lyman Johnson found 78 cases of individual illegally held as slaves in late colonial Buenos Aires. "A lack of legitimate,"632.

First of all, the fact that in the Iberian world manumission was granted, most of the times, with conditions, provided the masters with a legal justification for delaying or denying it.[42] Among the most common conditions, there was a clause that stated that freedom would be only granted in the future only if the slave committed to either keep fidelity to his/her former master, keep serving them or a third designated person until their dead, or keep living in the premises of the master. In this case, many of the slaves and freed persons who filed lawsuits before the Santa Fe's Real Audiencia argued that they had already meet the conditions but the masters, or their heirs, have not liberated them yet and asked the judges to intervene and give them a letter of freedom. Other masters granted freedom only to their slaves' children so that the parents would remain in bondage and the children in the service too.[43]

Slaves that purchased their or their relatives' freedom also faced conditions and big obstacles to finally obtain the letter of freedom. After having paid their price completely, many slaves were denied actual freedom under different pretexts, such as not paying the stipulated amount. Some slaves gave sums in advance and then the masters denied to have received any money, as it happened to Pedro José Navarro, a slave of the Marques de Santa Coa, who worked in one of his gold mines. He had saved money from his own work and the overseer of the mine asked to borrow this saved money. Pedro José agreed. However, several months passed and the overseer still had not repaid the loan, so Pedro José decided

[42] Historians have identified there types of manumission, 1) "graciosa" or voluntarily given with no conditions, 2) voluntarily given with conditions, and 3) the one purchased by the slave him/herself or by a third person. Rafael Díaz has shown that in Santa Fe, in the first half of the eighteenth century, from a sample of 100 manumissions, 48 were the first type, 37 conditioned and 15 by purchase. More regional studies are needed to draw conclusions for the entire viceroyalty but from Díaz' study one can argue that at least half of the manumission cases involved conditions of some sort. See Díaz, "La manumisión de los esclavos." 55.

[43] Historians of slavery in the Iberian empires have extensively studied these conditions. For classic works on manumission in the Iberian world see Stuart B. Schwartz, "The Manumission of Slaves in Colonial Brazil: Bahia, 1684-1745," *The Hispanic American Historical Review* 54 No. 4 (1974); Lyman L Johnson, "Manumission," Bowser, "The Free Persons."

to travel to Mompóx and file a lawsuit for the overseer to give back the money and for the Marqués to free him after paying.[44]

Practices of re-enslavement were also so common because the legal process of manumission was full of obscurities. The case of Paula Vásquez is illustrative in this respect. Paula lived in the city of La Palma, province of Mariquita, as a slave of Don Salvador Irumbere and Doña Elena de los Santos. When Salvador died, Paula became property of Doña Elena. However, Doña Elena did not receive Paula's property instrument, on the contrary, she received her baptismal record, a document that proved that Paula, in reality, was free. Doña Elena gave the baptismal record to Paula, who, then, requested the *Real Audiencia*, through the protector of slaves (*protector de esclavos*), to declare her free. After an investigation, it was determined that Paula had been illegally sold to the priest Don Matías Fernández, who, in turn, sold her to Don Salvador Irumbere without the proper documentation. The illegality of this case was so obvious to the eyes of the individuals involved that the priest immediately acceded to free Paula and demanded the person had who sold her to him to pay for the costs.[45] It was not clear when and how Paula had acquired her freedom, apparently she did know not she was free until Doña Elena gave her the baptismal record, so it is possible to say that Paula never got a letter of freedom or some equivalent document. This case is very telling, and shows how owners hide documents or incurred in illegal transactions in order to hold people enslaved. It is also illustrative of how courts did provide slaves with significant leverage in disputes and proved sometimes beneficial for their claims, particularly those presented directly to the first instance court – the *Real Audiencia*.

[44] AGN, SC, Negros y Esclavos (Bolivar), 2, 305-307, 1770.
[45] AGN, SC, Negros y Esclavos (Cundinamarca) 7 908. 1808, La Palma.

The main consequence of these practices was that most of free people of African descent lived with an undefined legal status. The soon to be freed, recently freed, first, second and third generation born-free were vulnerable and still risked being taken as slaves. This happened to individuals closer to slavery than the other subjects this dissertation considers. This closeness to slavery was both material and symbolic, as they were either in the process of acquiring freedom, recently had gotten their letter of freedom or/and had relatives still in bondage. They were all people whose socioeconomic conditions and physical features made them an easy target for re-enslavement. In the case of Juana María, for instance, her mother was a freed slave and they both lived as servants at Captain Alvarez' house with no clear distinction from those servants in bondage. Her mother's freedom only became apparent to other people when she had quarrels with his former master. In this case, the fact the Juana María's mother remained in the household of his former master and continued working for him made difficult to determine whether she was free or not and that applied to her children too.

The threat of falling back into slavery appeared every time free people moved to a new place, meet new people or traveled to far distant places, as happened to Juana María when she moved to Honda. In contrast to traders or bogas, whose material resources, social networks, and/or corporate identifications cleared out any doubt about their free status (or at least provided a protection against any doubt), poor urban and rural free people of African descent lived under the continuous threat of being re-enslaved. Free people, then, fought to make their freedom real, permanent, publicly acknowledged and officially granted.

Another fundamental motive for free a person to attend courts was to request freedom for their relatives and friends. In New Granada and throughout the eighteenth

century there was an increase in the number of lawsuits for freedom. The same occurrence has also been identified for other areas of Spanish America such as Quito, Guayaquil and Lima, and it has been associated to the spread of liberal ideas among slaves.[46] Even though the ideas of equality and freedom might have produced an impact in the number of slaves or their free relatives suing masters, in New Granada the growth in cases started before these ideas were widely spread and the existent lawsuits were framed in the language of the traditional monarchical political culture. In fact, other historians have argued that even though Bourbon reforms, the Enlightenment and the independence movements gave slaves particular political opportunities, slaves did file lawsuits during all the colonial era, lawsuits that were not inherently different and certainly not less radical than those of the Age of Revolutions.[47] The increase of lawsuits, then, has to be analyzed in relation to two factors. First of all, the growing interest of Bourbon ministers in regulating slavery, following the French model, in order to increase revenues from agriculture. Some authors have argued that the need of a larger enslaved population resulted in growing restrictions to manumission. In Santo Domingo, for instance, there was an attempt at reducing the conditions under which a slave could acquire freedom.[48] In the second place, it is necessary to determine whether the growing need for labor in New Granada resulted in an increase of both cases of obstruction to actual manumission and practices of re-enslavement. A free person was difficult to compel by legal means, so re-enslavement might have presented as an ideal strategy. Further examination is needed to offer a

[46] Camilla Townsend, "'Half My Body Free, the Other Half Enslaved': the Politics of the Slaves of Guayaquil at the End of the Colonial Era," *Colonial Latin American Review* 7 No.1 (1998): 4.
[47] Sherwin Bryant, *Rivers of Gold*, Chapter 4, 116-120.
[48] Concepción García-Gallo, "Sobre el ordenamiento jurídico de la esclavitud en las Indias españolas," *Anuario de Historia del Derecho Español* 50 (1980), 1016-16.

definitive answer, but there is evidence to suggest that in New Granada the number of cases grew from the middle of the century on.

The *Real Audiencia* of Santa Fe, for instance, considered 168 conflicts regarding manumission from 1700 to 1810. These cases were either sent from provincial judges after their consideration or directly presented to the *Audiencia*. Regarding the Magdalena River Valley region, from the 168 cases considered, a significant percentage was submitted by the *cabildos* of the main port cities on the Magdalena River. Mompóx presented 21, that is 12.5% and Honda 12, comprising 7.14%. The distribution in time differs in the sense that the decades with more cases in Mompóx were the 1760s and 1780s while in Honda they were more evenly distributed throughout the second half of the Eighteenth century, being the 1790s the period with more cases. The majority of claims in these cities were addressed by slaves of the largest slave-owners of each region. In Mompóx, to the Marques de Santa Coa, while in Honda even though not that concentrated as in Mompóx, many were against Josef de Mesa y Armero. [49]

How did slaves and their free relatives bring lawsuits for freedom before the courts? Manumission was reached upon an agreement between parts, the slave and the master. If both, the slave and the master, reached an agreement, they would go to the notary to make the payment, register the transaction, and produce a letter of freedom. In this way, if the manumission was mutually agreed there was no need for a judge to intervene. In contrast, when there was not such agreement, the slaves or a third person could go before a judge

[49] To offer these figures, I consider all found cases at the AGN, section Negros y Esclavos. That means that those are the cases sent by the cabildos or by directly by the slaves to the Audiencia, to be considered by the president first, and after 1738 by the viceroy. Furthermore, this Audiencia reviewed cases from the provinces of Cartagena, Santa Marta, Antioquia, Mariquita, Neiva, and very few from Panama, Popayan and Venezuela. Given the high number of enslaved people in those provinces, it is very likely that more cases went to the cabildos, gobernaciones and to the Audiencia of Quito. Provincial and local archives also keep more cases that did not reach the first instance court. All this considerations suggest that there might have been more cases of slaves suing their masters for their freedom, so these figures must be taken as an indicator.

and file a freedom lawsuit. In this case, free people often attended before different judges, such as *cabildos*, governors, ecclesiastical judges and the *Real Audiencia* to file lawsuits against their former masters, their relatives, or third persons, in order to ask the authorities to "ampararlos en la libertad."

Table 6: Lawsuits for Freedom Presented before Santa Fe's Real Audiencia in the Eighteenth Century[50]

City of origin	Number of Cases
Mompóx	21
Tamalameque	1
Simití	2
Nare	1
San Juan de Río Seco	1
Honda	12
La Palma	1
Mariquita	1
Ibagué	4
Tocaima	2
Guaduas	1
Neiva	3
Timaná	4
Dolores	1
Garzón	1
La Plata	3
Chaparral	1
Coello	1
Purificación	1
TOTAL	**62**

This was the case for María del Carmen Morales, who went before Mompóx's *alcaldes ordinarios*, in order to request the letter of freedom for her husband. María del Carmen presented herself as a "free *parda*, *vecina* of the villa", and her husband, Pedro

[50] Source: AGN, SC, Negros y Esclavos.

Morales, a slave in the house of the Marqués de Santa Coa. According to María del Carmen, the Marqués had punished her husband and put him in jail with no motive, on the contrary, "he had been a good slave and had given the best service the Marqués could expect from a servant." However, she stressed, because of these mistreatments, Pedro wanted now to "desembarazarse de la esclavitud," and had taken refuge in the parochial church. María del Carmen offered to pay for his freedom and asked for a letter of safe-conduct so her husband could leave the church, then she asked the alcalde name an appraiser, fix his value and finally received his letter of freedom.

This request was particularly difficult for the *alcalde*, as Pedro's master, the Marqués of Santa Coa, was not only the most powerful man in Mompóx but also one of the richest and most influential persons of the entire viceroyalty, as above mentioned. In fact, the *alcalde* decided to first inform extra judicially the Marqués, but he decided to ignore the case and with total disdain for the *alcalde* and the notary, to dismiss all attempts at notification of the legal procedure. The alcalde pursued this case with extraordinary celerity, perhaps motivated by the Marqués dismissive behavior, in the matter of two months he named an appraiser, fixed the price and finally granted freedom to Pedro.

It is very telling the fact that from the very moment when Pedro acquired his freedom, he is going to be the person directly presenting written requests to the *alcalde*. Free people used "to give their voice," that is, to address requests to the authorities on behalf of enslaved subjects. Freedom lawsuits, in particular, were presented, in several cases, by free people who claimed freedom for their relatives, especially their partners, siblings, children, nieces and nephews. Furthermore, a significant percentage of the litigants were free women as was the case of Isabel María de la Guardia, who in 1776, when viceroy Manuel Florez stopped at Mompóx when traveling to Santa Fe, she asked

him to protect the freedom of his brother, who had been enslaved by Francisco Miguel Quintero,[51] or the case of María Magdalena Lagarés, *vecina* of Mompóx, who addressed to the ecclesiastical judge as a "free parda, on behalf of Ana María, my mother, María Josefa, Isabel, Sebastiana and Bernardo, my sibling to whom I give my voice (*por quienes presto voz y capción*) according to the Law" and who were about to be sold.[52]

Why did free people give their voices to the slaves? Free people represented on the behalf of enslaved people very often because even though slaves have a deep-rooted tradition of litigation in the courts, their rights were still drastically reduced. Legal codes such as *Las Siete Partidas* explicitly stated that slaves could not be legitimate parties in a civil or a criminal trial, [53] and, in theory, they were not allowed to sign public documents, to make will, and to sue his/her master for other reasons than mistreatment.[54] In this sense, having a free subject presenting their cases before judges relatively guaranteed a wider access to justice and courts. Furthermore, even though it was not rare for slaves to leave their *haciendas* to go to the cities and file lawsuits and complaints,[55] in doing so they faced the risk of being accused of running away, as happened to the slaves of the Villavieja hacienda, an episode which the next section analyzes. In this sense, a free subject's mobility benefited slaves that did not risk leaving their work places.

[51] AGN, SC, Negros y Esclavos (Antioquia) 4, 1054-1061, Mompóx, 1777.
[52] My emphasis. AGN, SC, Negros y Esclavos (Antioquia) 6, 204r, Mompóx 1743.
[53] García-Gallo, "Sobre el ordenamiento," 1023. Part. 3, 1.
[54] Navarrete, *Génesis*, 230. Enslaved people's interactions with monarchical institutions, legal practices and knowledge see: Bryant, Rivers of Gold, Ch. 4, Díaz, *The Virgin, the King*, Ch.2 and 11, Owensby, "How Juan and Leonor;" Michelle McKinley, "Fractional Freedoms;" Townsend, "Half my Body Free; "Echeverri, Ch. 3 O'Toole, Bound Lives, Ch.5.
[55] Anthony McFarlane describes several cases of slaves leaving temporally the haciendas or mines in order to go to the courts. See "Cimarrones and Palenques: Runaways and Resistance in Colonial Colombia," *Slavery and Abolition* 6 No.3 (1985). Other cases are analyzed by Echeverri analyzes one of this cases in Barbacoas, Popayán. Echeverri, *Indian and Slave*, Ch. 3.

Gender is also a central matter here. Why did women often give their voice to their male relatives? Studies on manumission in Spanish America had demonstrated how manumitted and free population was largely composed of women.[56] Gender was a factor in whether or not a slave was manumitted, but as the cases analyzed here show, gender was also a key factor in accessing the courts, in addressing judges, in publicly making claims and securing a free status. One of the reasons might have to do with the fact that, as scholars have indicated, authorities consistently criminalized enslaved men's actions,[57] so it perhaps more possible for a free female relatives to have their requests heard in the courts. Women, then, played a fundamental role in the claiming of justice and rights, and in the forging of a political place for their relatives, many of them men. Women were instrumental in giving voice and access men to public life within the body politic, a space ironically closed to them. [58]

Re-enslavement was also used as a pretext to seize properties, crops and land. In 1808, in Guaduas, the *corregidor* Don Agustín de Blanco imprisoned Joseph María Vicente Holguín, arguing he was his wife's slave. According to Blanco, Joseph María had been sold to his wife's first husband 25 years ago. However, Joseph María presented all kind of written and oral testimonies that satisfactorily proved that he was free and that he was publicly recognized as such. Joseph María brought his case to the Real Audiencia, and in his defense, the defender of slaves made clear that Blanco's indictment had no justification and had no other goal than to seize Joseph María's crop of sugar cane, which, in fact he had

[56] Bowser, *The African Slave*; Bennett, *Colonial Blackness*, 44.
[57] O'Toole, *Bound Lives*, 122.
[58] Recent Works have started to address the role of gender in the relation of people of African descent and Spanish legal institutions. Michelle McKinley, for instance, analyzes legal actions undertake by enslaved women as testers of the conventional limits of patriarchal power. Enslaved women attended court mainly seeking dissolution of their marriages, to establish virtue or resist abandonment. McKinley, "Fractional Freedoms," 757.

grabbed.[59] In this way, local judges used re-enslavement as a justification for compelling free people.

Free people also attended court seeking protection for their inheritances. This was the case, for instance, of Pablo de Bustos, a "mulato pobre de solemnidad vecino de la ciudad de Mariquita" who asked the *alcalde* to give back the goods he had inherited from his brother, and the parochial priest had illegally appropriated.[60]

Another motivation was related to the payment of work and services. Poor free people found very difficult to make their supervisors or patrons to pay them for their services very often. In consequence, free people sought the intervention of the judges, either filing lawsuits before the courts to make their owners to pay or defending from charges arguing that they were just a revenge for having collected their payments. In Mompóx, for instance, a free *zambo* requested the *alcalde ordinario* to make José Rodríguez de Paula, a Spaniard resident, to pay for his work. The *alcalde* tried to force Rodríguez but he did not obey the *alcalde*'s orders. Another case occurred in Honda, when Agustín José, charged with homicide, argued that he was been indicted of being a *mulato* and a murderer by Don Toribio Caballero just because he had claimed 31 pesos owned for personal services and because the later was the relative of the *alcalde* and did not want to pay they were going after them.[61] In this case, Agustín felt that the indictments were a revenge for collecting his fair payment. A similar case happened in Mompóx, when Gregorio Joseph López, a "poor free *vecino* and member of the guild of shoemakers (oficial del gremio zapatero)," brought a lawsuit against another *vecino* for having caused the death of his son. The parochial priest of Mompóx served as witness for the accused party, and

[59] AGN, SC, Negros y Esclavos (Cundinamarca) 5.
[60] AGN, SC, Testamentarias (Tolima) 6, 937-986.
[61] AGN, SC, Juicios Crimininales 148, 1-85, Honda, 1776.

Gregorio filed a complaint about the priest's partiality. He accused the priest of benefiting the accused party just because Gregorio had asked for payment for the work he had done and the priest refused.[62] In these three cases, the free individuals sought the judges to help them obtain their payments or, at least, justice.

In order to make claims and complaints before the judges, free people tended to make use of two legal standpoints or identities: principally as free vassals, and secondarily as poor vassals. Being free subject brought legal and material benefits to people of African origin and descent. Mobility and autonomy had a political dimension, because it meant having access to judicial expression.

When freedom was not at stake, free people widely used another identification in order to address requests and complaints, and to defend themselves at the courts: poor vassals (*pobres de solemnidad*). This identification was widely used in courts. It was used in defenses or pardon requests, as was the case of Pedro Millán, free black from Honda who had been charged with homicide and was asking for the royal pardon as "pobre de solemnidad."[63] The same identity was used by Simón Quiñones, a free zambo from Mompóx, when he was accused for having murdered a slave of the Marqués de Santa Coa.[64] It was also used by many four of the lawsuits above analyzed.

When vassals claimed to be poor their complaints or their defenses were automatically taken by the *procurador de pobres*. This position was created to represent poor people at the courts and recent studies have demonstrated that they were instrumental

[62] AGN, SC, Juicios Criminales, 24, 658-664, Mompóx, 1770.
[63] AGN, SC, Juicios Criminales 123, 474, Honda.
[64] AGN, SC, Juicios Criminales, 152, 459-462, Mompóx, 1728.

in taking the cases of the slaves to the court.[65] Free people clearly learnt this and turned to these officials several times. The legal identification of "pobre de solemnidad" was very common and use by the popular classes in general, and certainly by free people. This identification appealed to the idea that the king should protect his subjects.

The slavery/freedom continuum found expression in legal and political terms, so the actions and claims of free poor people were in close relation and collaboration with those of the enslaved subjects. This close relation, as illustrated by the cases analyzed here, was instrumental for individual claims-making and it was also key for collective claims that combined legal and openly violent and defiant actions, which are the object of next point.

4.3. Collaboration Between Free People and Slaves

In very rare occasions free people of African descent collectively addressed the authorities or attended to court, which was not the case of enslaved subjects who in several occasions used the legal category of "His Majesty's slaves" while making legal claims.[66] However, free people found a way to express discontent with their employers by joining slaves in complaints that combined both collective legal and violent actions. Little is known about the relationship between free people and slaves, but a closer look at the rural areas shows that collaboration between them seemed to have been common. As mentioned in the first section of this chapter, the expulsion of the Jesuits produced a restructuration of land and slave ownership in the rural areas of the Viceroyalty. With the suppression of the order, all their goods were seized and put under royal administration. A special committee was

[65] De la Fuente, "Slaves and the Creation;" Carolina González, "El abogado y el procurador de pobres: la representación de esclavos y esclavas a fines de la Colonia y principios de la República," *SudHistoria* 5 (2012); and María Eugenia Albornoz Vásquez, "Casos de corte y privilegios de pobreza: lengiajes jurídicos coloniales y republicanos para el rescate de derechos especiales en el momento de litigar por injurias. Chile, 1700-1874," *Signos Históricos* 32 (2014): 48-85.

[66] Several cases in other regions of Spanish America. The paradigmatic case is probably the one analyzed by María Elena Díaz in El Cobre, Cuba. María Elena Díaz, *The Virgin, the King*.

appointed in New Granada to manage these goods, the *Junta de Temporalidades*. This *Junta*, in turn, appointed administrators to overseer each hacienda until it was sold to a new individual.[67] This process brought about novel conditions to the haciendas and severe tensions between masters, overseers, slaves and free workers, that sometimes even resulted in armed upheavals. These upheavals demonstrate the collaboration between slaves and free workers.

In 1773, five years after the expulsion of the friars, one of the biggest conflicts took place in the province of Neiva. In August of that year, Don Joseph Antonio de Lago, administrator of the ex-Jesuit and then royal hacienda of Villavieja, addressed a petition to the *Junta de Temporalidades* seated in Santa Fe. He requested permission to conduct 36 slaves belonging to Villavieja to the capital to be imprisoned and sold to the highest bidder. These men, women, and children made up 40% of the slaves of the hacienda. According to him, they were all "pernicious, useless, sick, old and full of vices."[68]

The reasons behind the petition, however, were more complicated than that. In his request Lago explained that these slaves had been revolting against the administrators right after the expulsion of the Jesuits. They rose up against the first administrator from the very first day the hacienda was handed to him, "without him having giving them any reason," and now they were revolting against him. In a second letter Lago added that even though they were pardoned that first time, these slaves continued disobeying, revolting and threatening the majordomo. In order to put an end to this, Lago saw necessary to sell "the main motors" along with their families and to inflict an exemplary punishment to the free *mulatos* that revolted with them.

[67] This administration was, almost in every case, a total failure. Low productivity, low yield and maroonage predominated. Clavijo, *Formación*, 350.
[68] AGN, SC, Negros y Esclavos, (Tolima) 3, 96-1048. f. 1007v.

The acts of disobedience and rebelliousness that Lago reported to the *Junta* took place while he was absent, conducting the cattle of the hacienda to Santa Fe, Neiva's main market for meat. We can know about them thanks to the hacienda's priest reports but also from three letters addressed by the slaves themselves. In June of that same year, forty-five-year-old Pedro Cabrera, sixty-year-old Ignacio de los Ríos, fifty-four-year-old Francisco de los Ríos and thirty-four-year-old Baltazar de Loyola, all slaves of the hacienda arrived in the Santa Fe to personally address a complain and petition to the Viceroy. They wanted to denounce Lago's ill treatment. They stated that "it was a well-established custom, not only in this hacienda but in all the haciendas of this kingdom," that the slaves enjoy feast days off, that they had their own plots to grow their own crops, and that they were given clothing, salt and meat. Yet Lago had not given them anything. On the contrary, he had deprived them of these days of rest, and furthermore had not given them clothing for two years and he has verbally mistreated them. He even went so far as to order them to destroy crops, resulting in food scarcity. The slaves concluded their petition by requesting Lago's removal from the administration "because nothing of this seems fair and it goes against the *hacienda*'s interest."[69]

Slaves also emphasized Lago's financial mismanagement of the *hacienda*. They recounted how Lago sent meat to Honda, killing 148 cows without spending a cent of the profits in the *hacienda*. In addition, they say, Lago erased the old brand by putting his on it. Finally, they informed the courts that "free tenants," or "free mulatos," had all paid the rent with bulls, but that Lago had illegally appropriated the animals, putting his brand on them. This is evidence to say that there was a growing discontent among the slaves. It is interesting the fact that they did not respond to this by running away, but instead exerted

[69] AGN, SC, Negros y Esclavos, (Tolima) 3, 998r.

their right to complain before the Viceroy. The Real Audiencia judges did not share their perspective, however, and imprisoned them.

In the meantime, in Villavieja things had gotten complicated. In July, the hacienda's priest addressed many letters to Lago reporting that after Lago's departure the slaves have become even more disobedient, and pointed especially to the wives, sons and nephews of the four slaves that had gone to Santa Fe. According to the priest, slaves' continued acts of disobedience, disrespect, and disorder, were all due to the expulsion of their former masters, the Jesuits.

In August, a month after the first report, the priest complained again, after Lago's departure, "the people are so despicable that they now seem the absolute owners of everything and they do not obey me, as if I were a dog"[70] The priest reported that the slaves were boasting in front of him about the fact that an older slave named Juan Fortunato Ríos, who was reported to be the leader of the slaves, [71] had left the hacienda to go to Santa Fe and would be soon back in Villavieja with an order from superior authorities to remove Lago's from the administration.

In another episode recounted by the priest, Remigia, Fortunato's daughter in law, asked for permission from the *majordomo*, Don Alfonso, to organize a party (*fandango*) and asked him for two jars of aguardiente. Don Alfonso agreed to give them just one jar. Remigia acquiesced, allowing that one would be enough for the moment, but warned him that she would go and buy more if necessary. Don Alfonso denied the request once again but Remigia did not obey and her husband, Domingo Ríos and a "free black man named Ilario Mondragón," made their way to the closest town (Aipe) to buy more *aguardiente*.

[70] AGN, SC, Negros y Esclavos, (Tolima) 3, 1009r.
[71] AGN, SC, Negros y Esclavos, (Tolima) 3, 1006r.

This is the first instance I encountered where free people explicitly mentioned joining slaves. The priest of Aipe reported having seen the group, however, they were not imprisoned or punished, and returned to Villavieja with the *aguardiente*.

The last and more serious incident occurred the night before San Roque's holiday, in August, when the majordomo was sitting in the house and 12 mulato slaves, all armed, appeared in the front of the house threatening him to see if he was able to imprison them. The majordomo reported "he did not have no other option than to endure this disrespect" as there was no one to help him because "the free men were associated with the mulatos." It seems the free mulatos had an important part in the "mutiny" as the priest recounted that Don Alonso tried to lock up one of them but could not accomplish it because all the mulatos followed him inside the house, "and the free *mulatos* first as it seems they were all plotting against the majordomo." Finally, because "prudent Don Alfonso" did not surrender to provocations, the slaves and free mulatos continued with the celebrations, races, bull games, "they made whatever they wanted and retired to their ranches."

Historian René Soulodre - La France has analyzed this series of events, paying special attention to slaves' written complaints and characterizing them as the expression of slaves' corporate identities, first in the context of Jesuit *haciendas* and then, as crown-owned slaves. I shift the focus towards free people's participation in the events and free-slaves relationship. "Free mulatos," "free tenants," "mulato tenants" or just "tenants," as they were called by the different historical actors involved, participated in almost all the events narrated by the priest. The priest mentioned that one free man joined a slave to go to Aipe to buy *aguardiente*. The second mention referred that, in the eve of San Roque's holiday, a group of free men participated, along with the slaves, in the revolt against the majordomo. For both, the priest and Lago, free people's participation was so crucial and so

shocking that the latter spent half of his request reflecting on the best way to punish the group of free men. First, Lago said, it was necessary to sell the heads of the uprisings in order to prevent them from going back to the *hacienda* and find shelter with the tenants "their fellow men." Lago saw free mulatos as potential allies of the slaves. Secondly, Lago explained to the *Junta* that they should reflect on the best method to punish "free tenants," as the rent they pay, their work, and their help in preventing slaves' revolts was so necessary for the hacienda. The punishment, reflected Lago, had to be exemplary as the "mulato tenants" had revolted in the past along with the slaves, and because they had not been punished they kept revolted and waiting the opportunity to associate with the slaves. [72]

Once the *Junta* reviewed the case, it determined that the salves would be sell and the *concertados libres* that had incited the slaves' revolt had to be punished in an exemplary fashion, suggesting they be put in jail with the warning that if they revolt again they would be sent to the Castillo de Bocachica (Cartagena) to perform forced labor. From this point on, there is no mention of the free *mulatos* in official correspondence. The sources suggest that the slaves were conducted to Santa Fe where they were imprisoned and appraised to be sold. They spent several months in prison and some of the children died. The report does not mention the free men again.

Who were these free *mulato* tenants and why did they participate in the revolt with the slaves? Estate owners in this region used to rent out land from the haciendas to poor inhabitants, who were mostly free people of African descent and who paid with products, cultivating in the rented land, with work, and with money. In fact, from Lago's testimony, it seems their rents were an important cash income for the *hacienda*. And also from Lago's words, it is clear that the *hacienda* owners, overseers and majordomos saw in them a source

[72] AGN, SC, Negros y Esclavos, (Tolima) 3, 1011.

of men force and fidelity. They were seen as potential allies in controlling slaves and there have been several projects attempting at recruiting them and forming new militias for them.[73] In fact, it seems it was vital for local authorities to differentiate free men and women from the slaves in order to divide them. However, not only in Vilavieja's case but also in several other cases, it seems the relation between free people and slaves was really strong. Lagos mentioned that they had already helped the slaves in previous revolts and there were several other cases of free blacks and *mulatos* collaborating with slaves in this area during the eighteenth century and certainly not only in the Jesuits *haciendas*. In 1784, some *vecinos* and members of the Tocaima *cabildo* complained before the Real Audiencia about the gang of slaves of the San Jerónimo *hacienda*, who, according to them, had been wandering across that region for 8 years, with the slaves of Santo Domingo and with the free men from the town of Anolaima, "disrespecting judges, smuggling goods and living scandalous lives."[74]

According to the testimony of different authorities, free people helped the slaves either out of fear or complicity. Authorities recognized the close relation between free and slaves, the former were accused several times of stirring up the gang of slaves. In 1805, for instance, José Luciano Gamba, a freed black was charged by the *alcalde* of the small town Chaparral, "for inciting the black slaves who worked in the mines of that jurisdiction to revolt." According to this *alcalde*, Gamba had been traveling the area telling the slaves that he had a copy of a *Real Cédula* by which the King had liberated all the slaves. Similar events took place in another ex-Jesuit hacienda bought by the *Real Audiencia*'s notary, José Félix Ramírez de Arellano, mentioned in the first part of this chapter. In 1779 the new

[73] AGN, AGN, SC, Negros y Esclavos, (Tolima) 3, 96-1048.
[74] AGN, SC, Negros y Esclavos (Cundinamarca) 8, 393-400, 1784. 396r.

owner complained because the gang of slaves was insubordinate and the free men and women that lived in the *hacienda* might have "contaminated" the slaves making them to get even more defiant. Few years later, he wrote a report complaining again of the free workers.

What motives did free people have to join the slaves? What was their relationship with slaves and why did they join? In the letters that the slaves of Villavieja presented to the *Real Audiencia*, free *mulatos* did not give their testimony directly. Yet, the slaves did describe the actions of mismanagement that affected exclusively the group of free tenants, such as the new administrator tooking their cattle. It is possible to argue, that a common discontent against the new overseer was the motive free people had to join the slaves, but it is also very likely that there were kinship links between them, as was shown earlier in this chapter.

There is, then, strong evidence to argue that free people, especially in the rural context, had common interests and acted with the slaves. They expressed their discontent by going to the courts individually, and also by collectively helping the slaves obtain justice from their employers and the crown. Several of them pushed even further and sought to establish their freedom or the freedom of the slaves they lived amongst.

Conclusion

Even though free men and women of African descent were denied a corporative identification from which to request things to the authorities, and were denied special privileges, they used the legal knowledge they inherited and learn from their enslaved ancestors or relatives, in order to go to the courts. They claimed identifications and found ways of acting as "free subjects," "poor subjects," and eventually as the peers of slaves, to manifest their grievances to the authorities and to carve out a place for themselves in the

body politic. In this sense, the corporative organization became a horizon of action, that is, a goal to achieve.

This chapter shows how, for this poor urban and rural black, *mulato* and *zambo* men and women, the largest group among the people of African origin and descent, that slavery was not just part of the familial memory, it was also a constant presence in their lived experience: whether through a relative, a friend, or in the shape of an ubiquitous threat of re-enslavement. Herman Bennett argues that scholars must question slavery as the analytical category through which scholars examine the lives of "free coloreds"[75] I argue that for those free individuals of African descent whose lives were lived closer to slavery, those who had to deal with re-enslavement threats daily and/or who had relatives and friends still in bondage, many of their legal battles drew from enslaved people's tradition of engagement with the legal system and were developed in close relation with slaves.

This chapter also showed the close relationship between slaves and free people and their collaboration when undertaking both legal and violent actions. Free people complaint before the authorities on behalf of slaves, who, in many cases were their relatives or friends. Free people also supported slaves' violent actions against their overseers. Slaves, on their part, complained before the authorities on behalf of the free laborers, who were also affected by mistreatment and mismanagement. Analyzing Independence processes in the New Granadan Caribbean, historians have argued that "no racial consciousness uniting the free and the slave populations of full or partial African ancestry in political action emerged in this process."[76] The cases here examined evidenced that, in many instances, free

[75] Bennett, *Colonial Blackness*, 6.
[76] Helg, *Liberty & Equality*, 149.

people undertake collective efforts along with slaves, out of familial ties, camaraderie, or shared interests based on material conditions.

Slave-owners did not form a homogenous group, particularly in New Granada. On the contrary, they were a diverse crowd that included members of the white landowning elite, bureaucrats, clerks, traders, merchants, artisans and small farmers of all *calidades*. This chapter showed that not only the large slave-owners, but wider strata of the colonial society developed legal strategies to re-enslave free people of African descent. In this sense, this chapter also presents a complex view of empire. It shows how imperial-wide projects meet with local processes, in the extent that agents travel, migrate or seek grants from the King.

Finally, I argue that the expulsion of the Jesuits was a turning point for the relationships between hacendados and their enslaved and free workers in this area, and, this, in turn, had critical effects on this population's political views. This political impact on New Granada preceding to the Comunero revolt is particularly significant, and will be the topic of next chapter. A wave of growing discontent was already in place when Joseph Antonio Galán, one of the leaders of the Comunero revolt, moved his operations to this area. The process of politicization of the people of African descent in the rural areas started before tax reforms were fully established a decade after, altering our perspective on the origins of independence movements across South America.

CHAPTER 5

The Comunero Revolt and the Plebeianization of Blackness

On May 31, 1781, about 20,000 armed men camped in Zipaquirá, a town just a day travel away from Santa Fe , the capital city of the Viceroyalty of New Granada. Most of the men originated from the eastern and Andean provinces of Vélez and Tunja, and had formed an army that intended to occupy Santa Fe to request that the Real Audiencia reject the recent fiscal and administrative reforms that Juan Francisco Gutiérrez de Piñeres, Charles III's appointed visitor general, had been rigorously implementing since 1780. What had started as small demonstrations of discontent against local tax collectors and royal monopolies' administrators, in a matter of two months, had escalated to one of the largest upheavals in the hemisphere after that of Túpac Amaru in the viceroyalty of Peru and the American Independence revolution.[1]

[1] It is striking the fact that even though being one of the largest upheavals across the Spanish empire and the Atlantic world in general, the Comunero revolt has not drawn the attention of historians, not in the Anglophone academia but neither in the Spanish and Colombian ones. Most of the studies on the Comunero revolt were produced during the first half of the twentieth century. This scholarship was characterized by a nationalist approach that saw the Comunero revolt as precursor of the Independence movement. These works, then, produced an ahistorical interpretation that stressed discontent with the monarchy and portrayed participants as national heroes. A new wave of scholarly interest on the Comuneros aroused in the 1970s and 1980s, produced, in part, by the two-hundredth anniversary of the revolt and by the boom of Marxist perspectives now interested in popular movements. These works stressed the participation of popular classes, explained the movement as an example of the class struggle and as a frustrated popular revolution betrayed by the elites. During the 1980s a new group of scholars, most of them Anglophone political historians, started to explore the Comunero revolt from the political culture point of view. These works were pioneer in understanding the movement in its own historical terms, evidencing the movement's "contractarian character" and "corporative spirit," and understanding the particular political context of the revolt. These works, in fact, related this revolt with the several other tumults occurring in the Andes in the second half of the eighteenth century after the Caroline reforms, even calling it "the American version of Esquilache's upheavals." Unfortunately, with the boom of cultural history in the 1990s, the political history was left aside and with it the interest on such a key historical juncture in the history of Colombia. The main works of the nationalist scholarship are: Manuel Briceño Perozo, *Los Comuneros* (Bogotá, 1880); Pablo E. Cardenas Acosta, *Los Comuneros (Reivindicaciones históricas y juicios críticos documentalmente justificados)* (Bogota, 1945), and by the same author, *El movimiento comunal de 1781 en el Nuevo Reino de Granada, con copiosa documentación inédita*, 2 vols. (Bogota, 1960). For Marxist approaches to the movement see: German Arciniegas, *Los Comuneros* (Mexico City, 1951); Luis Torres Almeyda, *La rebelión de Galán, el comunero*

One of the striking characteristics of this massive rebellion is that it was, perhaps, one of the few comprised of a cross-class, multiethnic coalition that encompassed almost all the different sectors and bodies of the colonial society.[2] Indian towns, white and mestizo *vecinos*, creole elites, and people of African descent joined this large upheaval. Unfortunately, the participation of the latter has not been properly acknowledged, due, in part, to the fact that the few existent studies have focused on the highland upheavals, where the disturbances started, grew in size, and reached maturity, but where the population of African descent was not as numerous as in other areas.[3] Certainly, many of the Comunero's grievances revolved around issues particular to the highland, such as Indian communal lands and Indians' and *vecinos'* tense relationships.[4] Notwithstanding, the many references about the involvement of people of African descent in the movement, in both its Andean

(Bucaramanga, 1961); Mario Aguilera Peña, "Los Comuneros; de los tumultos a la organización de las masas (primera fase)," *Anuario Colombiano de Historia Social y de la Cultura* 11 (1983) and Indalecio Liévano Aguirre, *Los grandes conflictos sociales y económicos de nuestra historia* (Bogotá: Editorial Tercer Mundo, 1980). For political historians see the seminal work of John L. Phelan, *The People and the King*; Manuel Lucena Salmoral, "Los movimientos antirreformistas en Suramérica, 1777-1781: de Tupac Amaru a los Comuneros," *Revista de la Universidad Complutense*, 107 (1977); and McFarlane, *Colombia Before Independence*, and "Civil Disorders."

[2] Other revolts occurred during the eighteenth century but none of them, perhaps excluding Túpac Amarú's uprising, entailed such a wide coalition as the Comunero revolt. For the most recent analysis of Peruvian revolts see Charles Walker, *The Tupac Amaru Rebellion* (Cambridge: The Belknap Press of Harvard University Press, 2014) and Serulnikov, *Subverting*. Between 1730 and 1735 erupted a Comunero revolt in Paraguay, but it only comprised sectors of the elites of Asunción. See: Luís Alexandre Cerveira, "A paixão como motor da guerra - a revolução dos comuneros (Assunção/Paraguai, primeira metade século XVIII)," *Revista Latino-Americana de História* 1 No. 2 (2012). On the other hand, Anthony McFarlane has indicated that the Quito uprising against the *aguardiente* monopoly in 1765 also drew on representatives of "all the main sectors of the city's white, mestizo, and Indian populace," who launched a *cabildo abierto*. However, the evidence he offers suggests that Quito's uprising did not reach and scope the New Granada's Comunero Revolt did. McFarlane, "Civil Disorders," 23-25.

[3] The most complete historical work on the Comunero revolt is, so far, both in English and Spanish, is the classic work of John L. Phelan, *The People and the King*, published in English in 1978 and translated into Spanish in 1980. Phelan's work, as well as previous and subsequent works, focused their attention on the highland's phase. A couple of journal articles that addressed other regions were published in the context of the bicentenary of the revolt and both found it surprising that other regional phases of the movement had gone largely unexamined. Unfortunately, historians have not follow their lead. See: Mario Aguilera Peña, "El significado politico y social del movimiento comunero en el Tolima y Huila," *Revista de la Contraloría General del Tolima Segunda Epoca 1* No.2 (1984) and Jane M. Loy, "Forgotten Comuneros: the 1781 Revolt in the Llanos of Casanare," *The Hispanic American Historical Review* 61 No. 2 (1981).

[4] By the eighteenth century, the Indian population had decayed dramatically across New Granada, however, the largest concentration of Indian towns still located in the highlands of the eastern branch of the Andes and in the southwestern provinces of Popayán and Quito.

beginnings and then in its spread to the towns and cities of the lowlands (*tierras calientes*) of the upper Magdalena River Valley, suggest that they played a key role in this coalition. This chapter contributes to the literature on the Comunero revolt by tracing these references and arguing that issues relating to blackness and slavery shaped the movement and played a key role in articulating the coalition and in spreading the movement beyond the eastern Andean provinces and across the entire territory of New Granada. I also argue that it was precisely the presence of these issues, however, that made a coalition with the lowlands' elites less feasible leading to the weakening of the reach of the movement in the lowlands area.

This key political juncture -the 1781 Comunero revolt - allows for an exploration of the role that race and economy played in shaping free people of African descent's claims and identifications. Most importantly, this revolt presents a unique opportunity to assess the extent to which their interests converged with those of the "plebeians" in general, in the decades previous to the independence wars and the subsequent organization of the new republic and the advent of the idea of the "plebe."

The previous chapters have evidenced how corporate identifications were key for Africans and their free descendants to make claims to the authorities, and that even when they did not have access to this kind of association, they appealed to identifications that were also framed by a corporative culture. However, lacking access to a corporate grouping as a whole, Africans and their descendants faced considerable difficulties in making their voice heard. In this context, the Comunero revolt and its aftermath, offer the possibility of examining the ways in which the fragmented condition of free people's political and legal status played out at a moment when all the bodies constituted themselves in "El Común" in order to manifest their deep discontent with the crown's officials.

Furthermore, this chapter argues that this massive upheaval had important effects on the relations between free people and the Spanish crown. On one hand, it impacted people's expectations of their rulers, and, on the other, it affected how agents of the monarchy conceived of and acted upon those under their rule. I argue that it was, if not a breaking point, a key juncture for the relationship between people of African descent and the Hispanic monarchy. From this point on, the Crown's officials and local authorities developed a growing distrust regarding free people and produced an image of the New Granadan "plebe" or "people" as one devoid of any relation to blackness. I term this process the plebeianization of blackness, that is the diluting of any political issue relative to slavery and the African origin or *calidad* when referring to the plebe.

This chapter starts by outlining the revolts and examining the evidence pertaining to the participation of free people of African descent. In the second part, I explore how free people of African descent – both enslaved and free - articulated their own particular interests to the general complaints. The third part analyzes the attitudes of the Crown's ministers and the creole elites during and after the revolt, the images they built of the plebe; in their rendering of the revolt, the place they assigned to blackness became central in the construction of the idea of "the people" in the following decades.

5.1. The Comunero Revolt

During the reign of Charles III (1759-88) royal policy regarding Spain's overseas dominions became a key issue for the Crown. The appalling differences between the revenues that other imperial powers were receiving from its colonies, especially France from Saint-Domingue, sparked King Charles' interest in establishing a more centralized

rule and efficient financial system that would allow the crown to increase its revenues.[5] Impelled also by the loss of Havana to the English in 1762 and drawing partly on enlightened ideas of public happiness, population, and commerce, Charles III and his ministers initiated what historians have coined as the third and most ambitious phase of the Bourbon reformism. The King's ministers envisaged reforms that would abolish the restrictions of trade, incorporate Indians into the market, implement a more efficient system of tax collection, eliminate inefficient monopolies and create new and lucrative ones, and implement the French system of intendencies.[6]

In order to implement these reforms, Charles III commissioned José de Galvez to conduct a *Visita General* in New Spain. The *visita*, which lasted 6 years from 1765-71, proved to be successful and subsequently became the model for the reforms in other Viceroyalties. Gálvez returned to Madrid and was named to the position of Minister of Indies (*secretario del Consejo de Indias*), that he would occupy until his death (1776-1787). In that position, Galvez designed a plan of reforms for the rest of the Spanish American territories and named three representatives, Juan Francisco Gutiérrez de Piñeres, regent visitor general for New Granada, José Antonio de Areche for Perú, and José Garcia de León y Pizarro for the Audiencia of Quito.[7] Those reforms included the reorganization of the tobacco monopoly, direct royal administration of the fiscal system, limitation of

[5] France was such an exemplary case for the Spanish ministers, to the extent that Bernardo Ward's *Proyecto Económico* used it as the contrasting case that proved Spain's backwardness. For a detailed analysis of Ward's influence on the Bourbon reforms see: Phelan, *The People and the King*, 18.

[6] For an overview of the reforms see the classic work of David A. Brading, "Bourbon Spain and Its American Empire," in *The Cambridge History of Latin America. Vol. 1, Colonial Latin America*, ed. Leslie Bethell, (Cambridge, UK: Cambridge University Press, 1984); Paquette, Gabriel B. *Enlightened Reform in Southern Europe and Its Atlantic Colonies, C. 1750-1830* (Farnham: Ashgate, 2009); Allan J. Kuethe and Kenneth J. Andrien, *The Spanish Atlantic World in the Eighteenth Century: War and the Bourbon Reforms, 1713-1796* (New York: Cambridge University Press, 2014); Paquette, *Enlightenment*, Ch. 3; and Phelan, *The People and the King*, Ch. 2.

[7] Phelan, *The People and the King*, 4; Angel Camacho Baños, *Sublevación de comuneros en el virreinato de Nueva Granada en 1781* (Sevilla: Tip. Giménez y Vacas, 1925), 6; Lucena Samoral, "Los movimientos."

creoles' and viceroy's power and ascendancy in the local government, and restricting the authority of the later in fiscal and judicial matters, among others.[8]

After a 45 day transatlantic trip from Cádiz, Juan Francisco Gutiérrez de Piñeres arrived in Cartagena in 1777. From that port city, he embarked towards Santa Fe along the Magdalena River, stopping for a few days in Mompóx and Honda, until he finally reached his final destination in January 6th of 1778. Once in the capital, he initiated a series of reforms following the goals and tactics that Gálvez had employed in New Spain. The main goals of the reforms included 1) the restructuring of the tobacco and *aguardiente* monopolies; 2) the reorganization of existent sales taxes such as the *alcabala* and the *Armada de Barlovento*;[9] and 3) the introduction of a new tax, the *Donativo Gracioso y préstamo*, a levy intended to fund the war against England.[10]

Gutiérrez de Piñeres' proceedings and methods earned him great discontent among several sectors of the society from the onset of his arrival. He first clashed with the Viceroy Manuel Florez who defended creole elites after the visitor general's attempt at restricting their power and influence in the *Audiencia* and other offices, an attach that also gained him enemies among some of the richest and most powerful members of Santa Fe's elite. He also enacted a succession of reforms that simultaneously affected cultivators, traders and consumers. In May 1780, he announced the rise of tobacco and *aguardiente* prices; on August 26th established the system of *guías* and *tornaguías*; [11] and on October 12th

[8] Phelan, *The People and the King*, 6.
[9] This tax had been introduced in New Granada in 1641 to help sustain the costs of The Windward Island fleet, a squadron established for defense of the Caribbean. This was an additional sales tax of 2 percent and since 1720 it had been jointly collected. By the Gutiérrez de Piñeres' visita, it had totally lost its identity as a separate tax, and for this reason, when the visitor general resurrected it, the people thought it was a new tax becoming one of the main complaints of the Comuneros. Phelan, *The People and the King*, 27-28.
[10] Phelan, *The People and the King*, 6.
[11] A *guía* was an official document issued by the local fiscal agent that certificated that a particular cargo of merchandise purchased in one locality and destined somewhere else had paid the appropriate sales taxes. The

reorganized the *alcabala*, a reform that was announced to the public between January and March of 1781.[12]

These measures caused great discontent among several subjects across the Viceroyalty, but especially in the towns of Socorro and San Gil. Located in the northeastern province of Vélez, the inhabitants of these towns were mainly white and *mestizo* small landowners and farmers who had obtained modest prosperity through cultivation of tobacco. However, a recent smallpox outbreak and bad harvests in the previous years greatly affected this area, resulting in scarcity and the rise of food prices. Piñeres de Gutiérrez's reforms arrived just as the inhabitants were recovering from this demographical and economic crisis; in May 1780, the *cabildos* of that province announced the rise of tobacco and *aguardiente* and in August the prohibition of tobacco production in most of the parishes and villages of San Gil and Socorro.

The first reports of public expressions of discontent occurred at the end of that same year in the towns of Mogotes and Charalá. The largest upheavals, however, happened a few months later. On March 15, 1781, when the *alcalde ordinario* of Socorro published an edict with the new *alcabala* prices, people gathered in the plaza and rioted, tearing down the edict while shouting at Gutierrez de Piñeres and Francisco Moreno y Escandón, the crown's attorney and Indians protector of the Santa Fe's Audiencia who had been in charge of reforming and restructuring Indian *resguardos* in the Andean provinces of Santa Fe and Tunja. The following day, a Sunday, people gathered for mass and rioted again against the

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tornaguía was the document issued when this cargo arrived to its destination, to certificate that the goods described in the *guía* had arrived as described and had paid taxes. This system added costs to commercial transactions as the trader had to pay a bondsman, *fiador*, and the service of a notary. Phelan, *The People and the King*, 28.

[12] Phelan, *The People and the King*, 29.

local tax administration.[13] The *tumultuosos*, as they were called, attacked the royal monopolies and sold or threw away their tobacco and *aguardiente*. The riots continued and escalated: on March 15th 2,000 people rioted, while on March 30th 4,000 people rioted against the prohibition of the cultivation of tobacco, and, on April 16th 6,000 people protested against the *alcabalas* and tobacco, but also against *aguardiente* and *guías* and *tornaguías*.

Simultaneous revolts spread to other towns where opposition to the tax collector "took the form of preplanned attacks by bands of armed men, who were often spurred on by delegates from the centers of rebellion."[14] There were reports of many incidents taking place between the months of March and April.[15] Gradually, the upheavals took the form of a single and wide-ranging coalition between different sectors of colonial society, including Indian towns, white and mestizo *vecinos*, and local creole elites, with a more structured organization, a common leadership, and a clear program of demands.[16] On May 18th the rebels, or "Comunes" as they called themselves, named Juan Francisco Berbeo, a creole from the elite of Socorro as their leader and captain, the person who should represent them and communicate their grievances and requests to the Santa Fe government. On May 2nd they decided that a representative or captain-general of every town would form a Supreme Council of War. Rebels "sent out representatives to neighbor towns inviting them to join the cause" and this is how the confrontation spread across the province of Tunja (neighbor in turn of the viceregal capital's province Santa Fe). On May 4th the Comuneros decided to

[13] McFarlane, *Colombia Before Independence*, 215.
[14] Ibid.
[15] "Testimonio del primer cuaderno formado sobre la sublevación de las dos villas de San Gil y Socorro y demás parroquias y pueblos inmediatos. Año 1781." AGI, Santa Fe, 663A.
[16] The process by which the discontent was gradually growing and taking a more organized shape is clearly evidenced by the changing tone of the reports the cabildos and royal officials sent to the *Junta Suprema de Gobierno* between March and June of 1781. See: AGI, Santa Fe, 663A. See also: McFarlane, *Colombia Before Independence*, 215.

march to the capital of the Viceroyalty, in order to make their complaints heard by the superior authorities.

At the same time, the officials of the different institutions seated in the capital – the Audiencia, the *Real Hacienda* tribunal, the *cabildo* and others - decided to form a *Junta General de Gobierno*, a body charged with dealing with the rebels.[17] Their first decision was to keep the Comuneros as far as they could from Santa Fe as they were aware of the capital's poor position to defend itself. By that time, the main concern for Charles III, his ministers, and New Granada's viceroy, was to protect Spanish Caribbean strongholds from possible attacks from the British. Spain had recently decided to support America's Independence war, and in June 1779 had declared war against England. In consequence, the largest armies of the viceroyalty were located in Cartagena and only a small detachment resided in Santa Fe. Furthermore, the viceroy had moved his residency to Cartagena. In consequence, and in order to keep "the rebellious people" as far from the capital as possible, the Junta decided to deal with them militarily, sending a minister of the Audiencia in charge of a small detachment. However, the rebels outnumbered and outmaneuvered the troop, with the unintended result of the movement growing in strength. By the end of May 1781, 15.000 to 20.000 people marched toward the capital and stationed on the nearby town of Zipaquirá.

The news of this defeat and rumors that the rebels would be marching and taking the city increasingly made it to Santa Fe, and Gutiérrez de Piñeres, fearing for his life decided to leave the capital and head to Honda on May 12th. In consequence, when the Comuneros were just a day away from Santa Fe, the Junta General did not have any communication

[17] All the ministers of all the royal and local offices seated in Santa Fe comprised this junta: the *Superintendente* of the Royal Mint House, the two *alcaldes ordinarios*, two other deputies from the cabildo, and the *minsitro de campo* of the urban militias. The junta was presided by the visitor general.

with either of its superiors. Feeling unable to defend the capital, the Junta, decided to try a negotiated way out and sent a commission formed by Antonio Caballero y Góngora, the archbishop of Santa Fe, the highest ecclesiastical authority in the viceroyalty (and the next viceroy) to meet the rebels in Zipaquirá.

The Comunero leaders, in the meantime, composed a document containing their grievances, The Capitulations (*Las Capitulaciones*), an outline of terms for presentation to the commission, consisting of 25 points, demanding, among others, the expulsion of Gutierrez de Piñeres, the abolition of the royal monopolies, the sales tax *armada de Barlovento* and the system of *guías* and *tornaguías*, and "the return of the *alcabala* to its old form," in other words, a reversion of all the reforms undertaken by Gutierrez Piñeres.[18]

Fearing that the rebels would march on Santa Fe, and that the unrest would spread to the other parts of the Kingdom, as had been happening, the archbishop Caballero y Góngora, supported by the Junta, accepted the Comunero's terms and approved the Capitulations.

Satisfied with their success, many of the rebels dispersed and returned to their hometowns. However, the upheavals continued for many more months. On the one hand, In order to exert more pressure over Santa Fe, Berbeo had sent Josef Antonio Galán, one of the leaders of the Comuneros, to the lowlands of the upper Magdalena River valley, in order to curtail communications with Cartagena, to follow Gutiérrez de Piñeres and to incite these towns to unite to the movement. However, after the signing of the Capitulations, Galán did not return to the highlands but continued agitating this region. During the months of June and July he went over this entire region, inciting almost all the cities and towns, attacking the monopolies' offices, disrupting the communications along

[18] McFarlane, *Colombia Before Independence*, 216.

the river and freeing the slaves of some haciendas. On the other hand, the news of the tumults reached other provinces such as Antioquia, Neiva, Popayán, Los Llanos and Venezuela and more riots erupted, now involving new actors and articulating new interests.

These two factors made it hard for the authorities to totally extinguish the rebellion. It was "the arrival of troops from Cartagena, and the gradual disintegration of the core of the movement, that by that moment has a divided leadership" that "enable royal administration to slowly regain the control." [19] Once the rebels dispersed, the Audiencia and the visitor general rejected the Capitulations, arguing they had been forced upon them, and reinforced the implementation of the increased taxes. José Antonio Galán, was captured on October 13th 1781 and executed on January 30th 1782, while other leaders of the rebellion were sentenced to life in prison, end even though a general pardon to the vassals was decreed, during 1782 the officials secretly pursued the heads of the upheavals and prosecuted them.

5.2. The Comunero Revolt Revisited

The occurrence of such a massive political turmoil has been distinguished not only by its scale but also by the extent and nature of its coalition, that transcended social, economical, political and ethnic differences, joining sectors of the creole elite, *mestizo* and Indian interests.[20] Certainly, the Comunero revolt was one of the rare instances where a large number of vassals with such different social backgrounds united to riot in colonial Spanish America. However, scholars of this revolt have ignored the significant participation, in this coalition, of people of African descent, which has not been

[19] McFarlane, *Colombia Before Independence*, 217.
[20] One of the main axis of analysis of Phelan's work is explain the conditions that allowed the formation of such coalition. Anthony McFarlane also stresses this characteristic. See, Phelan, *The People and the King*, Ch. 4- 8 and McFarlane, "Civil Disorders," 19.

acknowledged nor surveyed at all. While trying to explain the conditions and different interests that converged to make possible the alliances between the different sectors, historian John Phelan focused particularly on three actors: "plebeians" with their discontent against taxes, monopolies, and rising prices; the "nobles" or "patricians" and their fight for self-government; and Indians and mestizos and their claims for their communal lands. He briefly touched on black people, focusing solely on a failed march that had been planned by several slaves in the province of Antioquia, that intended to request their freedom and that was discovered early. Departing from this evidence, Phelan argued that the Comunero revolt presented black slaves with the utopia of gaining their personal freedom but unfortunately do not take this observation any further.[21]

A possible explanation for the scant attention that scholars have given to enslaved and free people of African descent in the Comunero revolt might be that the area where it started and took strength did not have as large a population of African descent as other regions had, and in consequence their presence was relatively little in comparison to the presence of other sectors of the population.[22] However, a closer look at the local reports of the revolted Andean towns reveals that *mulato* men and women did take part of the tumults and were mentioned as participants of the riots from the beginning. For instance, in the very

[21] In *the People and the King*, Phelan destined one chapter to explain the alliance of the people and the elites correspondingly, and two chapters to underline the alliance with Indians. Chapter 5 focused on the motives the people of El Socorro had for joining the movement, highlighting three factors, the revolutionary example of Túpac Amaru, the ideology provided by the People's *Cédula* and the assurance of support from prominent creole individuals. Chapter 6 explained the reasons the Socorro's elite had to join the movement, emphasizing how they were accustomed to a government of compromise, conciliation and accommodation and with the reforms they felt this relation attacked. Chapters 7 and 8 analyzed Indians' involvement and their goal of protecting of their communal lands and the importance of the example of Túpac Amaru's movement. The only one mention concerning black people occupied two pages at the end of this chapter. Phelan, *The People and the King*, 110-111. McFarlane added to this idea, "Civil Disorders," 21. Marcela Echeverri briefly analyzes the failed revolt of the slaves in Antioquia in order to show how the political imagination of the enslaved was shaped by their coexistence with indigenous people. Echeverri, *Indian and Slave*, 19-20.

[22] In El Socorro, for instance, slaves comprised 1.5 % of the population and the free people were mostly *mestizo*. Tovar, *Convocatoria*, 375-378.

core of the movement, El Socorro, on March 30th 1781 (one of the first risings) a crowd armed with sables, swords, stones and sticks, gathered in the *Plazuela de Chiquinquirá*, stole the royal monopoly's tobacco and resold it in the streets, while yelling "long life to tobacco" and "dead to the guards." According to the official report, the crowd tried to attack the monopoly administrator's house but was momentarily contained by the *alcalde* and the parish priest, who, however, could not stop them. The crowd continued threatening the administrator's house and when the priest kneeled to beg them to stop, a mulato woman who was with the crowd reportedly tried to cut his face.[23] Many other reports mentioned women of "very bad *calidades*" attacking the authorities. For instance, in Fusagasugá, a town close to Santa Fe, a *vecino* narrated how he contained a tumult of women, "more than sixty, all of bad *calidades*, who had not been punished yet and every day they got worse as they have gotten away with it."[24] Finally, black presence was not only felt in the local tumults but they also participated alongside the leaders of the movement. When the riots had almost passed and José Antonio Galán was imprisoned on October 13, he was in the company of his brother and "a *mulato* named Salvador Alvarez."[25] It is surprising then, that even though their participation is mentioned repeatedly by the different *cabildos* and royal officials, that scholars have not further researched people of African descent's participation.

Furthermore, the ignoring of black participation in general has been furthered by the privileged focus on the Andean phase of the movement and the over emphasis on *Socorranos*' participation,[26] at the expense of the analysis of several other tumults that

[23] Camacho Baños, *Sublevación*, 17.
[24] Letter sent by Juan Jerónimo Liévano, Fusagasugá's *vecino*, to the ministers of the Real Audiencia, May 27, 1781, AGI, Santa Fe, 663A.
[25] Letter of José Ignacio Angulo y Olarte and Luis Fernando Céspedes to the viceroy informing Josef Antonio Galán's capture," Socorro, October 27, 1781, BN, FC, 4, 413-414r.
[26] Because the revolt started in El Socorro town, the officials often referred to the Comuneros by the mote of the *Socorranos*.

occurred in other provinces.[27] Comunero revolt scholarship usually divides the movement into two phases. The first one being the Andean phase, which includes the first riots in El Socorro, the conformation of the Supreme Council of War and the final acceptance of the Capitulations. The second phase refers to the moment when the tumults spread to the lowlands, partly because of the actions of Josef Antonio Galán. These phases correspond also to a unilinear timeline according to which the first phase took place from March to May and the second one followed from May until October. The division also embodies a diffusionist perspective of politics that understands the Andean phase as the core movement from which the rebellion spread to the lowland. In this sense, lowland tumults are seen as peripheral or, at their best, as strategic movements devised by the *Socorranos* in order to pressure Santa Fe's government. This division, then, tends to attribute the active role to the Andean inhabitants, especially the *Socorranos*, ignoring that many tumults started even before Galán moved to the lowlands. In doing, so, scholars attribute a passive role to the inhabitants of the lowland provinces, who, if depicted at all, are portrayed as just anonymous receptors of Galán and *Socorranos*' political strategies and actions.[28]

Coincidentally, in many of these tumults, enslaved and free people of African descent were key actors. This chapter traces enough cases to argue that *mulato* and *zambo* women and men did play a key role in the upheavals of almost all the cities and towns of

[27] Few authors have drawn attention towards the important tumults taking place in other provinces such as Antioquia, Venezuela, los Llanos, and Mariquita. See: Aguilera, "El significado político;" Loy, "Forgotten Comuneros;" and Darío Ortíz Vidales, "Los comuneros de Ibagué," in *Compendio de historia de Ibagué*, ed, Academia de Historia del Tolima. (Ibagué: Gobernación del Tolima, Alcaldía de Ibagué, 2003). It is possible to argue that the emphasis on the Andean phase not only responds to its obvious importance but also to the tendency of Colombian scholars to thinking that the most important political events are those occurring at the Andean center of the country. According to his bias, only events taking place in the surrounding provinces of Santa Fe were able to affect viceregal policy. For a critique of the overemphasis on the Andean region in the history of Colombia see Múnera, *El Fracaso*, 33-36 and Helg, *Liberty & Equality*, 2-4.

[28] Historian Mario Aguilera has rightly pointed out that Colombian historiography has not sufficiently studied the meaning of the upheavals in the Magdalena River's area, and, in the few instances it has made it, it has been focused on the narrative of José Antonio Galán's actions. Aguilera, "El significado político y social," 5.

the lowlands. An analysis of these tumults, then, will further our understanding of the Comunero revolt by challenging this dichotomy, explaining how and why free people of African descent joined it, which, in turn, will explain how the movement spread beyond the Andean region and will show how Bourbon reforms affected other areas than those of the Andean highlands.

First of all, the engagement of people of African descent in the tumults was recorded to happen before Galán departed to the lowlands of the upper Magdalena River valley. During the first half of May, Juan Francisco Berbeo, the Comunero's leader, focused his efforts on taking control over the Andean paths in order to disrupt the communications between the towns and Santa Fe, but he soon understood that if he wanted to pressure Santa Fe he should also control the main waterway of New Granada, the Magdalena River. As explained in Chapter 3, the royal mail arrived from Cartagena to Santa Fe through this waterway, which made it an urgent target. However, at this moment taking control on the river was even more critical because Viceroy Florez had moved his residency to Cartagena and in consequence the river was the only way for him to communicate with the *Audiencia*'s ministers and the visitor general. In order to disrupt the mail and communications in general, a group of approximately 28 *mulato* men from the city of La Palma revolted. It is not clear yet how this group was formed as the official narratives do not mention them and the interruption of communications has been attributed solely to posterior actions of Galán. However, many local reports talked about them. Honda's royal official reported to Don Juan Francisco Pey Ruiz, an *Audiencia*'s minister, that two small canyons had been robbed by the Comuneros. According to his letter:

> The insult has been committed by twentieth mulato men from La Palma's jurisdiction, according to their costumes. They, with the greatest liberty, have camped out in a plain named Las Lajas, next to the *villa* [Honda],

> and armed with spears and sabers, are trying to sell the tobacco, which they have in plain sight of the travelers, and to whom they have frightened and threatened not to carry any letters or news regarding their licentiousness and insolent behavior. I believe a group of men is going to leave this villa today in order to go after them and contain such pride" [29]

La Palma was a small city located to the west of the Magdalena River. This city had one of the largest populations of slaves in the region, which comprised almost 15% of the population. This demographical trend was even more accentuated in the towns under La Palma's jurisdiction, where the percentages of enslaved population were even higher, such as in Terama with 33% and Guachipay with 24%. Furthermore, these three places had a significant free population, in La Palma they comprised 17%, in Terama 15% and in Guachipay 26% of the total population.[30] Unfortunately there is no more information about the 28 mulatos that revolted, but given the size of the population of African descent in the whole jurisdiction, their involvement with upheavals is not a surprise.

The words the Honda's royal official used to describe the actions of the 28 mulatos is telling of the elites' perception of black people's political participation in politics. What it was a strategic move, such as stealing the canyons and curtailing the communications between Santa Fe and Cartagena and along the Magdalena River, is presented as a random act of disobedience, an excess of liberty, licentiousness and insolence. Their strategic actions are seen as an expression of their "pride" (*orgullo*), an adjective that in Castilian only had negative connotations and almost used as synonym of *soberbia*, the original and most serious of the seven deadly sins in the Christian world.[31] A characteristic not desired at all in a good vassal, who, on the contrary, had to be humble, and frequently used to refer

[29] "Letter from Viceroy Manuel Florez to José de Gálvez, AGI, Santa Fe, 578, No. 1.
[30] Percentages calculated with Tovar, *Convocatoria*, 577.
[31] According to the 1737's *Diccionario de Autoridades*, *orgullo* is: Hinchazón del corazón y soberbia del que intenta alguna cosa […] Orgullo*:* este se dice comunmente altivez de corazón o superbia desenfrenada."

to enslaved people who did not properly subject to the authority of their masters or to their free descendants, who, by definition, did not have any master to obey. In this sense, enslaved and free people of African descent's political actions were dismissed merely as their tendency to act out of pride.

In spite of this dismissive view, the actions of this group of mulato men, who were not a direct result of Galán's actions, were central for the Comunero revolt, impending communications, strengthening the movement and further isolating Santa Fe. The scholarship of the Comuneros has argued that it was Galán's capture of the royal mail valise that was being conducted from Honda to Santa Fe that represented the definitive action that interrupted the communications. Yet, Galán took just one valise, and the royal mail, as explained in Chapter 3, did four trips per month, not to mention official extraordinary trips and private communications. Taking one valise would hardly interrupt the communications. However, from Cartagena the Viceroy Florez informed the Minister José de Gálvez that: "It has been for or six mail trips since the last correspondence from Quito, Popayán and the other cities of that *Carrera* arrived, because the rebels have taken over the paths and have taken the mail valises, and the same happens with the correspondence from here [Cartagena] to Santa Fe, which is now detained in Honda in order to avoid its loss…"[32] Furthermore, the role of this group did not stop there, it is very likely that they were the same group who initiated the revolt of "the plebe" of the city of Guaduas on the night of May 24th. It has been stressed that this city rioted because of the direct action of Galán, but this upheaval occurred before his arrival and according to the

[32] Letter of viceroy Manuel Florez to José de Gálvez, AGI, Santa Fe, 578, No. 1.

local reports was started by the actions of "the 28 mulatos from La Palma."[33] As such, it is very likely that the actions of these mulatos, that started before Galán arrived in the area, were key in interrupting not only official but also private communications.

The same day the mulatos of La Palma were rioting, another upheaval exploded in one of the most important cities of the upper Magdalena River valley. On May 22th the small town of San Luis had also experienced tumults, probably by the action of the workers of the hacienda Santa Bárbara de Contreras,[34] and from May 23rd to 25th a serious uprising exploded in the major city of Ibagué.[35] On May 23rd, just when the sun set, at 7 pm, a crowd of men, women and boys armed with swords, knives and stones took control over the bells of the parochial church, "to whose tolling more people joined." All together, "mainly women and everybody else from this city together, … shouting long live to the King and dead to bad government," assaulted the municipal jail, broke in through a window and freed two women and a man who had been imprisoned by the alcalde some days before, accused of contraband. After that, they headed up to the royal monopoly administrator's house and "with no respect for the secular nor for the ecclesiastic justice, no respect for the reverend friars of the sacred Order of Preachers nor for the most respectful neighbors," broke into the offices, took the tobacco and the *aguardiente* to the street, set fire to the former and threw up the latter, while breaking and devouring anything they found in their way.

The uprising extended until the next day, when the members of the cabildo, trying to stop the crowd, allegedly asked the people to explain their demands. The rebels said that

[33] "Sublevose la noche del 24 de mayo la plebe de Guaduas, soliviantada por veintiocho mulatos de la Palma, que armados de sables y lanzas llevaban a vender allí unos costales de tabaco." Quoted in Cárdenas, *El movimiento comunal, T. 1*; 78.
[34] Ortíz Vidales, "Los comuneros de Ibagué," 236.
[35] Ibid., 237-239.

they would stop the riot only if they are given "a certificate they could use for their defense and, … excepting them from tribute -except the *alcabala*-, otherwise they would not stop even if that meant to lose their throats," and would set fire to the city. According to the account recorded in the *cabildo*'s minute, the rebellious people forced the *cabildo* to meet and agree to their demands.[36]

Even though there is no direct mention of black people in Ibagué's upheaval, it is very likely they participated in the tumults, as according to the 1778 census 76% of Ibagué's inhabitants were free.[37] The same can be said for following riots occurring in many other towns adjacent to the Magdalena River that revolted by the end of May, such as Espinal, Nilo, Melgar, Santa Rosa, Llano Grande, Coello, Chaparral and Guamo.[38]

It was only until the day after the upheavals in Guaduas and Ibagué, on May 25th, when Berbeo sent an expedition of 150 men under the command of Josef Antonio Galán to the lowlands, in order to intercept the communications between Honda and Santa Fe and seize the weapons that Gutiérrez de Piñeres had sent from Honda. After that they should march to the lowlands and take control over the main cities of the upper Magdalena River Valley: Guaduas, Mariquita, Ambalema, and finally and more importantly Honda, where the visitor general was residing. One by one, Galán successfully undertook these tasks; arrived at Facatativá on May 30th where he captured the royal mail valise and marched to Guaduas, the closest city to the Magdalena River's western bank on June 4th. However, he did not go to Honda immediately but decided to stay camped in Guaduas for two weeks longer, thereafter crossing the Magdalena River and heading to the lowlands of the west

[36] "Informe de los levantamientos protagonizados por los vecinos de Ibagué entre el 23 y el 25 de mayo de 1781," transcribed in *Revista de la contraloría general del Tolima. Segunda Época* 1 No. 2 (1984): 145-156.
[37] Percentages calculated on Tovar, *Convocatoria*, 569-577.
[38] Cárdenas, *El movimiento comunal*, 2, 83.

bank, and stationing a camp in La Barrosa, few miles far from Honda. This used to be an obligatory stop for the embarkations transporting tobacco from Ambalema to Honda, so Galán took over this small place and took control over the embarkations. Galán's presence in the lowlands sparked more tumults in almost all the cities and towns of the provinces of Mariquita and Neiva, as the viceroy Florez himself recognized in a letter to Galvez. [39]

From the moment that Galán arrived in the lowlands, black, *mulato* and *zambo* participation became key. Thereafter, topics relating to blackness and slavery entered the Comunero agenda with more strength. In fact, fears of slave revolts in these and other provinces would rise. If the movement in the Andes emerged out of coalition between "patricians" and "plebeians," in the lowlands it would not have this characteristic. In the lowlands, the struggles took on a more popular tone in which issues of blackness and slavery will played a greater role. Furthermore, lowland's elites performed a racialization of the movement, which was as a "war against the whites." This is clear from the events that followed Galán's arrival to the west bank of the Magdalena River.

For reasons not yet understood, Galán did not take Honda but headed westward, arriving to the city of Mariquita, the head of the province, on June 16th. According to the governor of the province, Galán arrived commanding 400 farmers (*campesinos*) from different towns, both Andeans and from lowland cities such as Honda.[40] He stationed his men in the main square asking that the people of the town to join him, saying that he had arrived "to abolish the tobacco, *aguardiente* and other monopolies and royal taxes, as he indeed publicly promulgated by himself in the square of the said city, in front of its *cabildo*

[39] The viceroy Florez himself had informed Gálvez that these two provinces had revolted along those of Tunja, Sogamoso, Zipaquirá, and Santa Fe.
[40] In his confession, Galán was questioned about the origin of the persons who went with to Mariquita. He listed the places of origin, mentioning Honda, and other small towns of the Mariquita province. BN, FC, 9, 245-252 and BN, FC, 9, 247-248.

and instructing the inhabitants of the city to grow tobacco from that they on." According to the governor, because Galán could not take the city, he committed public insults in the square against one of the members of the cabildo, treating him as a thief and threatening him with a stick. At that moment, 83 residents of Mariquita, including women and young men, armed with sticks attended the square "because of Joseph Galán's influx, with the goal of killing all the white and Spanish subjects, shouting long live to the King and dead to bad government, long live to Galán and dead to the whites."[41] Galán then, took over Mariquita with no resistance and stationed their men in the municipal council house.[42]

On June 18th he left Mariquita and headed to *Malpaso*, an important silver mine property of a wealthy Honda neighbor, Vicente Diago, located in the jurisdiction of Mariquita. It is not clear what Galán did there, but he was accused of entering and breaking into Diago's house and stealing jewelry and other valuable goods. The official recount says that he also liberated the slaves and encouraged them to revolt. There is not clear evidence of this revolt, but from the sources available it is possible to say that slaves and their pursuit of freedom played an important role in these events. According to Diago, who testified almost five months after the incident, Galán misled his slaves, leading them to believe that he was going to liberate them. [43]According to Honda's cabildo, Galán was going after Diago himself because he had been accused of helping Guitierrez de Piñeres to escape and Galán was wanted to seize his goods and slaves in retribution.[44] However, according to Galán's confession, taken in six months after these events, he went to the mine because the

[41] Mariquita's governor report on the activities of Josef Antonio Galán Informe del gobernador, AGN, SC, Milicias y Marina, 147, 82-88.
[42] Cárdenas, *El movimiento comunal*, T. 2, 349.

[43] "Relación que presenta Vicente Diago de los bienes que le robó Galán de su casa de Malpaso," Honda, November 21, 1781, BN, FC, 9, 245-246.
[44] "Oficio de don Santiágo Téllez de Meneses al Virrey Flórez," BN, FC, 3, 39-40r.

slaves themselves had asked him to do so, "the slaves of the mine were the ones who informed him that some of the Regent's belongings were there and because he had strict orders from his general Berbeo to seize the Regent's goods, he went to the mine to confiscate them."[45] According to Galán's confession, when he arrived at the mines, the slaves had already opened the door of the house. He then took the overseer to the stock (*cepo*) but did not mention anything about liberating the slaves and he took back the goods few weeks after.

The events in Mariquita illustrate three points I make in this section. They evidence how Galán became familiar with the particular local power relations, the characteristics of the local elite and their previously tense relation with the popular classes and the socio economic conditions of the region, and how these regional tensions, that included issues of blackness and slavery, became articulated to the Comunero movement. The cities of Mariquita and Honda, and the whole province in general, was the place of a powerful elite, comprised by Spanish traders and bureaucrats who had joined rich creole families that owned large estates – dedicated to cattle rising and agriculture – and that employed enslaved and free labor.[46] Mariquita and Honda had been prominent nodes of the African population since the seventeenth century. The indigenous population had been seriously decimated during the sixteenth century, increasing the demand for labor force in a region extremely important for the consolidation of the Spanish settlement and dominion over the territory. The early discovery of silver mines and the need for transportation and commerce made the Real Audiencia authorize the importation of larger groups of enslaved Africans

[45] "Interrogatorio y declaración de Josef Antonio Galán sobre el asunto del robo," BN, FC, 9, 245-252 and BN, FC, 9, 247-248.
[46] Clavijo, *Formación*.

from early on.[47] These slaves were destined to work mainly in the Mariquita's silver mines, in the agricultural estates and in the Magdalena River's commerce and transportation. This region also had experienced a long history of maroonage, fostered, partly, by the riverine geography. By the second half of the eighteenth century, these factors contributed to form one of the largest populations of enslaved and free people of African descent in the interior region of the Viceroyalty. Some sectors of this population, though, had been experiencing tensions with their overseers and masters since the previous decade, after the expulsion of the Jesuits, as explained in Chapter 4, and some slave owners of the Mariquita region had been accused of often mistreating their slaves.[48] With this context in mind, and even though the evidence available so far is not conclusive on who initiated the attack to the mines, it is hard to believe that the slaves did not take an active role in these events. If what Galán alleged was true and the slaves were the ones who had asked him to go to the mines, this demonstrates the slaves' active reading of Galán's motivations and the way in which the slaves articulated their own interests, to pressure their master and overseer or perhaps pursuing their freedom, to the general interests of Galán.

Furthermore, the way the governor reported to the Real Audiencia the events illustrates the fact that the elites of this region described and experienced the uprisings as a social and racial threat. They explained the conflicts in socio-racial terms. The governor, for instance, contrasted the "loyal white vassals" with "the plebe."

These tensions will reach a clearer expression in the uprising that occurred on the next day, in the riverine city of Neiva, capital of the province of the same name. Upheavals had been happening for many days in that province, in the towns of Caguán on June 10th,

[47] The Mariquita's silver mines are one of the few cases of silver deposits in New Granada.
[48] It is especially known the case of Pablo Armero, probably the most powerful land and slave owner of Mariquita and his mistreatment of his slaves.

Aipe in June 14th, Fortalecillas in June 18th and El Volcán on June 19th, so it was just a matter of time for people to revolt in the capital. In fact, that same day, on June 19th, the members of Neiva's cabildo reported that a "zambo, originally from el Guamo (a town located in the neighbor province of Mariquita)", named Toribio Zapata, summoned the people and met at Guasimal, a place located in the Villavieja hacienda. The people congregated in the morning and at noon they erupted in Neiva. The members of the *cabildo* reported that they, along with the governor, tried to stop the rebels and engaged in a fight but "the zambo Toribio" killed the governor. Members of the cabildo pursued and fatally shot Toribio. [49]

The Villavieja hacienda is the same place where the slaves and free mulato day laborers had revolted just a decade before the Comunero revolt (Chapter 4). New events probably did not involve the same slaves that had revolted against the overseer, as they had been sold to another hacienda, but at this point it was clear that the provincial authorities identified this hacienda and its slaves as a node of continuous local rebellion. The many reports sent by the cabildo members and other officials noted that.[50] Furthermore, it seems that the tensions did not stop that day, as a month after the conflagration, on July 2nd the overseer of the hacienda, Don Francisco Javier de Cuellar Calderón, neighbor of Timaná, testified that he had been tied by his feet and hands and lashed by the slaves. According to him, the slaves' final goal was to capture and seize the hacienda, which was not rare, he said, given their "envejecidas costumbres" and the fact that they have the pretext of "the current revolutions and the fact that all the people had revolted and now they have

[49] Cárdenas, *El movimiento comunal*, 2, 96.
[50] "Los alcaldes ordinarios da la ciudad de Neiva dan cuenta del crimen que en la persona de don Francisco Cuellar, administrador de la Hacienda de Villa Vieja ejecutaron esclavos de ella," Neiva, August 8, 1781, BN, FC, 3, 283.

proclaimed to be the heirs of the friars."[51] In this way, in Villavieja, preexisting tensions between the administrator of this hacienda and its slaves and laborers led to the general upheavals.

It is clear, by the end of June, that most of the tumults of the lowland provinces occurred with no direct presence of Galán and expressed specific preexisting local political and socio economic tensions By the end of June, Galán had decided not to take Honda, however, the city also revolted. Galán's actions in Mariquita produced big fears among the elites of Honda, with the result that all employees of the royal monopolies and many Spaniards had fled the city and on June 23rd the *alcalde* wrote a report expressing his concern as he had seen some signs and heard some rumors that people in El Retiro and Altos del Rosario neighborhoods would be soon revolting. The *alcalde* was right, El Retiro neighborhood, the place where bogas usually hang out, effectively revolted that night, as soon as the sunset. According to the *cabildo*'s report, that night "a group of people from El Rosario and El Retiro neighborhoods' plebe, suddenly united shouting 'Guerra, Guerra y morir hasta vencer.'" While descending the street that led to the main square, they attacked the houses of the prominent trader Don Vicente Estanislao Diago, and the *alcalde ordinario* Juan Blas de Aranzazú. The rebels were momentarily detained by a group of armed vecinos but not dissuaded by the shots, as they attempted to knock over the doors of the aguardiente monopoly's house. They were finally defeated by the armed *vecinos*.

Galán left the region at the end of July, however, the reports indicated that people of African descent, both free and enslaved, continued revolting. In a letter sent by an unknown neighbor to his father from Ibagué, the neighbor reported that a *mulato* who had just came from La Vega had told him that Galán had been there and that a captain of his along with

[51] Ibid.

12 "bandits" and "the *mulato* Juan Felipe Caicedo, Forero's son-in-law" were heading now to Coello. He also reported that "it is known that the people in Llanogrande is still revolting" and that "[the rebels] had inspired thoughts of schism among the blacks, one of which was to tell them that they had a new king in Santa Fe and that people from Cartagena was coming to their help." The unknown neighbor, thus, warned his father not to come until events had calmed, "because we do not know if these evil men had not been called by the slaves themselves, which would seem true according to the letter of the Piedras' priest".[52]

Slave and free people revolts continued from July until October. In August, Francisco María Gamba warned Felix Ramírez de Arellano, owner of one of the largest ex-Jesuit haciendas of the region, to not return to the hacienda "… porque estoy informado de que los negros están conspirados y muy altivos, resueltos a hacer alguna iniquidad…"[53] From September 21st to 24th, a group of "*mestizos*, *mulatos* and other colored *castas*" revolted in the eastern province of Antioquia. The tumults happened when the governor had ordered to burn and uproot several cacao trees. In response, the planters, about 100 men led by Juan de Lastra, united in order to defend their plots. The governor sent the white and pardo militias to deal with them. After the violent incidents, the group of free decided to deal legally with the problem and present the complaint before the governor, presenting themselves as "cosecheros and labradores" and asking for the "libre ejercicio de sus cosechas" and general pardon.[54]

[52] Ibagué, July 8, 1781, BN, FC, 3, 110-111.
[53] Ibagué, August 9, 1781, BN, FC, 3, 288-289v.
[54] "Don Alonso Elías Jaramillo, capitán de guerra del Valle de Rionegro dando cuenta con testimonio de lo actuado en asunto del levantamiento que proclamando libertad, tenían proyectado los negros y demás esclavos de aquel valle coaligados con los de la ciudad de Antioquia y Villa de Medellín," April 8, 1782, BN, FC, 8, 1-15.

It seems the revolts involving slaves continued happening and spread to other regions, but most importantly, reached the sphere of concerns of the highest authorities of the viceroyalty. This is suggested by a decree that the Real Audiencia sent to Juan Francisco Juan Francisco Berbeo, former leader of the Comuneros and by that moment living again in El Socorro. In this decree, the Audiencia ordered Berbeo to pacify the slaves of that region and to inform them that the Real Cédula that they alleged to have, and according to which the King had granted them freedom, was not real and in consequence they shoud be punished. Berbeo informed the slaves, however, as he reported later, that he was not able to prosecute anyone as he could not find the person resposible for spreading such information.[55] Finally, the last report of slave revolts occurred in December, which was the revolt in Antioquia.[56]

This series of events support the argument that slave and free people of African descent were active participants of the Comunero revolt from its Andean beginnings to its last manifestations in the lowland provinces. Either by joining local tumults against the royal monopolies' administrations, acting with the leaders, asking the *Socorranos* to help them, or organizing their own revolts, people of African descent did participate in this key political juncture. They did it so in the pursuit of their own interests, which are the subject of the next section.

Including free people in the history of the Comunero Revolt, then, helps us to understand the reasons why the movement spread with such strength to other provinces and why it did not produce a coalition with those elites. This, in turn, challenges that an image

[55] BN, FC, 4, 302-303.
[56] "Don Alonso Elías Jaramillo, capitán de guerra del Valle de Rionegro dando cuenta con testimonio de lo actuado en asunto del levantamiento que proclamando libertad, tenían proyectado los negros y demás esclavos de aquel valle coaligados con los de la ciudad de Antioquia y Villa de Medellín," April 8, 1782, BN, FC, 8, 1-15.

of the Comunuero revolt according to which it was a diffusionist movement and presents a complex view of it as the expression of a preexisting viceroyalty-wide discontent that included issues of blackness and slavery, who became political issues at the end of the eighteenth century.

5.3. Blackness and the *Corpus Mysticum Politicum*

In order to assess the motives and grievances of the *Comuneros*, scholars have usually resorted to the analysis of the Capitulations, the text of 24 articles compiled by Berbeo and the other leaders and that was supposed to represent the requests of all the different collectivities that joined the movement. The fact that there is not a single article that exclusively applies to people of African descent has made scholars either explicitly argue or simply imply that they were not an important part of this revolt.[57] However, as the previous section proved, their presence was pivotal for the movement, and, in the same way, their grievances also appeared in the Capitulations. The reason the complaints have not been noticed by scholars is because they appeared in a dispersed way, very much in contrast to the complaints of the other collectivities such as those of the indigenous communities. According to the quantitative analysis of Phelan, 7 concessions, or 12.5 percent of the total, addressed freed blacks. I argue an important reason why scholars have underestimated free people of African descent' participation is the direct result of the particular way in which the demands of both free and enslaved people were incorporated into the general requests of "El Común." The fragmented nature of the political identifications of free people determined the fact that their requests were disseminated

[57] Even though John Phelan admits that slaves did find motives to join the Comunero revolt, most of the times he ignores people of African descent's participation. For instance, while analyzing the Capitulations, he argues they reveal that "the aspirations of every important vested interest were amply represented in the document. The Indians, the poor mestizo and creole farmers, the small merchants, the petty elites in the rural towns, and the bureaucratic elites in Bogotá each received substantial concessions." Phelan, *The People and the King*, 159.

within the demands of the other collectivities. In this way, the Comunero Capitulations allows us to assess the ways in which a group not organized along corporative lines articulated their demands to a union mainly comprised by corporative collectivities.

First of all, it is necessary to understand how a society in which difference was the desired status and the "natural" way of relating to the authorities was through a political identification recognized as peculiar, reached a coalition of interests.[58] In the case of this revolt, there were many instances where both the Comunero leaders or the officials and elites stressed the difficulty of either consolidating the union of such a diverse crowd or making their aspirations intelligible. One of the leaders informed Berbeo that he and Don Antonio Pisco[59] were trying to calming down the Indians, as "they all go back and forth with the news and I assure Your Lordship that there are so many of them that I almost go crazy with the diversity of their claims and expectations…"[60] Another leader, talking about the agreement finally reached in Zipaquirá of not marching on Santa Fe, reported the existence of several contradictions between the different parties (*parcialidades*):

> Regardless the many contradictions and different ways of thinking existent among these peoples, and even regardless the tenacity with which some of the parties attempted to persuade the others to march on Santa Fe, a peace agreement has been finally reached.[61]

Phelan's analysis, for instance, is mainly focused on explaining how the coalition between elites and popular classes, or "patricians" and "plebeians" was achieved.[62] What I would like to stress here is how a society politically organized as a union of different

[58] For an explanation of the role of difference in the corporative society see Duvet, "El privilegio."
[59] Antonio Pisco was Indian and one of the main leaders of the revolt.
[60] Don Manuel Silvestre Martínez, Zipaquirá, May 31, 1781, AGI, Santa Fe, 663A, 141v-142r.
[61] AGI, Santa Fe, 663A.
[62] He explains that the first month the movement was a popular one and then, elites joined accepting positions of command. Phelan, in fact, attributed both the initial success of the movement (obliging the Audiencia to accept the Capitulations) as well as its failure (their final rejection and betrayal), to the coalition nature of the movement. It was the ability of Caballero y Góngora to dismantle the coalition by coopting the elites.

collectivities, not only in terms of socio economic differences, such as the one stressed by Phelan, but collectivities with different political existence, achieved a union strong enough to make the authorities to accept the Capitulations. For sure, the reforms applied by the visitor general had affected several sectors and discontent was widely spread among the society, but how did they achieve the union? How did the Comuneros face the challenge of overcoming not only different interests but also different traditions of relating to the authorities?

One of the strategies to solidify the union was appealing to territorial jurisdictions. At the beginning, the movement was comprised of a single territorial jurisdiction, the Socorro inhabitants, and its "natural" head was a member of the *Socorrano* elite, Berbeo. However, while the movement was growing in scope, it started to be joined by other territorial collectivities – other cities, *villas*, parishes and Indian towns-. Each collectivity had their own captain, with jurisdiction only on the people of his town. When the moment of devising a method to organize such a diverse group arrived, the leaders resorted to the figure of the council, that is a body comprised of one representative of each collectivity and a leader with jurisdiction over all of them. This was the Supreme Council of War, and its head was Juan Francisco Berbeo. According to Phelan, this organization was an expression of a Ancient Greek style democracy, I argue it was the way a corporative world solved the difference, in other words, the full expression of the Hispanic corporative tradition.[63]

The way of achieving the union affected the representation of the grievances specific to blackness, that is slavery and black skin, as, according to the territorial organization of the Spanish empire, there was no recognized territorial collectivity of self-government particular to people of African descent. The movement was formed by captains

[63] Phelan, *The People and the King*, 150

representing the different settlements, white and mestizo parishes, Indian towns, but there was no such as thing as a black or free town.[64] People of African descent had been pushing for this kind of territorial self-government recognition from the fifteenth century; the maroons comprise an excellent example of this, however very few achieved, and,[65] by the middle of eighteenth century, most of them have being dismantled or fused into parishes for whites and mestizos in New Granada. In consequence, there was no territorial unit representing black people and, there were no captains for them as there were for Indians. In this context, both enslaved and free people's grievances were included as part of the *vecinos'* complaints.

The question that arises, then, is why enslaved and free people joined the Comunero movement? The analysis of the two clauses that mention them offers a glimpse into their motives and shows, as a prime motive, taxes. Free people of African descent was mentioned in article number 7 and number 15. Article number 7 referred mainly to Indian tribute and stressed the "all the Indians are in a most deplorable state of poverty" and "their limited knowledge and meager resources in no way allow them to satisfy the excessive tribute forcefully demanded of them as well as of tribute-paying (*requintados*) *mulatos*."[66]

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[64] There are few maroons recognized by the Crown, San Basilio de Palenque in the province of Cartagena was one. There were a bunch of black free towns across the Spanish Indies, but few had a black representative. Echeverri argues that the slave gang in the haciendas of Popayán worked along representative ways. Echeverri, *Indian and Slave*, Ch.3.

[65] Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999).

[66] "7ª. Séptima. Que hallándose en el estado más deplorable la miseria de todos los indios, que si como la escribo porque la veo y conozco, la palpase Vuestra Alteza creeré que, mirándolos con la debida caridad, con conocimiento que pocos anacoretas tendrían más estrechez en su vestuario y comida, porque sus limitadas luces y tenues facultades de ningún modo alcanzan a satisfacer el crecido tributo que se les exige con tanto apremio, **así a éstos como a los mulatos requintados,** sacando los corregidores los tributos con tanto rigor, que no es creíble; a lo que concurren los curas por el interés de sus asignados estipendios; que atenta la expresada miseria, sólo quede en la contribución total y anual de cuatro pesos, los indios; y los requintados de dos pesos, y que los Curas no les hayan de llevar derecho alguno por sus obvenciones de oleos, entierros y casamientos, ni precisarlos con el nombramiento de alférez para sus fiestas, pues éstas, en caso que no haya devoto que las pida, las costeen las Cofradías, cuyo punto pide de necesario y preciso remedio; como así mismo que los indios que se hallan ausentes del pueblo que obtenían su territorio, el cual no se haya vendido,

The article 15 complained about a forced loan, "*Donativo Gracioso* y Préstamo" that Charles III had imposed over all his "free vassals." According to the Royal Decree, all the free men should contribute, patricians should pay two pesos and Indians and "the other castes that comprised the People," should pay one peso. [67] Clause 15 denied the collection of this loan, on the grounds that the Comuneros did not find legitimate reasons for it.[68] Both articles directly benefited people of African descent.

The analysis of free people of African descent's motives, however, cannot stop at the Capitulations. This text was produced and signed before the revolts in the lowland provinces so they do not express the motivation of the free people of the lowlands. For them, the restrictions to cacao and tobacco cultivation and the rising prices of these products were at the core of their discontent. It is very useful here, to analyze closely the grievances expressed by the people in Ibagué, because they speak of who they were. First of all, they complain of the monopoly's administrator. According to them, when the administrator caught them in possession of some *aguardiente* or a bundle of tobacco, he did not make them pay the fee, but instead seized their goods. Secondly, they complained about not having freedom to extract gold and of having to toil in the maintenance work of the Quindío pass.

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ni permutado, se han devuelto a sus tierras de inmemorial posesión y que todos los resguardos que de presente posean les queden no solo en el uso, sino en cabal propiedad, para poder usar de ellos como tales dueños."AGI, Santa Fe, 663A, 180-181.

[67] AGI, Santa Fe, 660.

[68] 15ª. Que en obedecimiento se ha pregonado una Real Orden por la cual pide Su Majestad que cada persona blanca le contribuya con dos pesos, **y los indios, negros y mulatos,** con un peso, expresando en ella ser este el primer pecho, o contribución que se haya impuesto: y siendo tantos con los que nos han oprimido no parece de ningún modo compatible esta expresión: por lo que en el todo nos denegamos y por el contrario ofrecemos como leales vasallos que siempre y cuando se nos haga ver legítima urgencia de Su Majestad para conservación de la fe o parte aunque sea la más pequeña de sus dominios, pidiéndosenos donativo, lo contribuiremos con grande gusto, no solo de este tamaño sino hasta donde nuestras débiles fuerzas alcancen, ya sean en dinero, ya en gentes a nuestra costa, en armas, caballos, o víveres, como el tiempo lo acreditará." AGI, Santa Fe, 663A, 186v-187r.

There were participation, and there were enough motives, and grievances reached the point where enslaved and free blacks resorted to violent actions and open defiance of masters, overseers, local and royal authorities. What was lacking is the corporative representation that allowed other sectors such as the indigenous communities to present their complaints in the Capitulations.

5.4. The Plebeianization of Blackness

Once the tumults ended and the Kingdom was finally "pacified," each actor involved started to present his own interpretation of the turmoil. The different narratives later of the unraveling of the events and the measures each actor took reveal the ways in which each agent built a different account according to the role he played. The viceroy Florez, who was not in Santa Fe at the time, the Gutiérrez de Piñeres, the General Visitor who had fled the capital, the *Junta de Gobierno*, who had accepted the Capitulations and rejected the Visitor General's measures, the archbishop Caballero y Góngora who had participated in the negotiating commission (and who, by 1782 had been named the new viceroy); the cabildos, the royal officials and different members of the commercial and political elites, each of them offered a different perspective of what happened. There is not a unified portrayal of the Comunero revolt and each narrative was mediated by their role in the events and their political interests. It was within the framework of these conversations that these authorities built the notion of New Granadan "the plebe" and in doing so erased any reference to blackness from it.

This insurrection presented viceregal and local authorities a threat of unprecedented proportions. Different disorders had been taking place across the viceroyalty as a reaction to Bourbon reforms throughout the second half of the eighteenth century, but none of them, with the exception of the *Barrios'* rebellion, had reached the dimensions that the *Comunero*

revolt did.[69] In this sense, the authorities at different levels of the empire started to realize the political power of the plebe and its discontent. From this moment on, the possibility that "plebeians" united regardless their political and ethnic differences, posing a tangible and serious threat to the empire became a concrete in New Granada. The Comunero revolt, then, was a key juncture in the process of what some authors have termed as the emergence and countering of the notion of "the plebe".[70]

The Visitor General Gutiérrez de Piñeres spent many lines describing the New Granadan plebe and explaining their actions when writing to Gálvez. He described the plebe as a crowd with no mind of their own but that was either disguised or manipulated by some evil men. When he criticized the measures taken by the Junta, he argued that it was the Junta's concessions the ones to blame for opening the eyes to the "vulgo" [71] who, according to him, was usually blind. In sum, the Visitor General described the plebe as a crowd devoid of any political awareness, who needed external incitement in order to act. He also pointed out their pursuit of absolute freedom:

> Everybody knows that the plebe does not act according to principles other than those of naturally aspiring to an absolute and unlimited freedom. Incapable of understanding the reasons of public utility and the state on which the contributions [taxes] are grounded, they perceive them as tyrannical and wrong.[72]

From a different point of view, Francisco Silvestre, a creole (who would play an important role in the 1810 crisis) described the New Granadan people in 1789. He clearly

[69] McFarlane analyzes these tumults and their significance for the political history of the Spanish empire. McFarlane, "Civil disorders."
[70] Roland Anrup and María Eugenia Chavez, "'La Plebe' en una sociedad de 'todos los colores'. La construcción de un imaginario social y politico en la Colonia Tardía en Cartagena y Guayaquil," *Caravelle. Cahiers du monde hispanique et luso-brésilien* 84 (2005) 93-26.
[71] Honda, June 3, 1781, AGI, Santa Fe, 659.
[72] AGI, Santa Fe, 659.

blamed the royal authorities for the events, stressing the obedient character of New Granada's inhabitants:

> Everything is achievable by a zealous superior, as the character of the inhabitants is docile if well ruled; … and even though they are unhappy now they do not really comprise a threat the tranquility of the Kingdom, as the past events were more a consequence of the lack of justice and the fact that their complaints were despised.[73]

One image is negative and the other is more benevolent, but, strikingly, none of them made reference to the *calidad* of the rebels or the plebe. This contrasts with the local reports written by *cabildo* members or local royal officials and private correspondence that insisted in the fact that the rebels were blacks, *mulatos* or *zambos*. However, when these reports are read and used by the Audiencia, the viceroy or the regent, or later descriptions they are described just as plebe.

I argue this is an erasure of issues directly related to blackness, it is a diffusion of these issues into the general issues of the plebe, what I termed the plebeianization of blackness, that is, the creation of the plebe as a category that did not have any specific feature related to blackness. This is not a plan designed by the Crown and then applied by its ministers, it was, on the contrary, a production that occurred in circulation, between the local and viceregal and royal officials. This erasure was allowed by the fragmented nature of the political people of African descent.

Conclusion

With the Comunero revolt, the Crown representatives as well as the creole elites in New Granada directly felt, perhaps for the first time in the entire colonial rule, the strength the different collectivities, and especially those comprising the "popular classes" or the

[73] Silvestre, *Descripción*, 113.

plebe, might acquired if united. The idea of a united plebe –regardless of corporative or ethnic divisions- took concrete contours as well as a growing fear of it among officials. The idea and description of this plebe, however, was stripped from references to issues related to blackness.

EPILOGUE

Towards a Long-Duration History of Political Participation of Black People

During the gathering of the *Cortes* at Cádiz between 1810 and 1812, representatives of the peninsular and American kingdoms of the Spanish monarchy engaged in passionate debate over several fundamental politics issues. Among these was the question of the status and rights indigenous peoples and people of African descent would enjoy in the new constitution of the Monarchy. This proved to be particularly thorny issue, as it was related to the broader problem of the representation and political status of the American territories within the Spanish Nation. The Cortes had declared the overseas kingdoms to be an equal and integral part of a single Spanish nation. But just how this equality was to be materialized, remained elusive. Would Americans enjoy equal representation? If proportional representation were to be the answer, would non-white inhabitants count as citizens and political subjects too? [1]

Representatives would eventually decide to admit Indians as citizens, but the attitude they displayed towards people of African descent was quite different. Most notably, Spanish deputies did not recognize citizenship to people of African descent on the grounds that they were not Spaniards nor Americans and were "outside the original social pact created during the conquest among Spaniards and Indians and therefore they had not contributed to the constitution of the nation." [2] In this manner, people of African descent's origins and the lack of a corporative status, which had made it more complicated for them

[1] A detailed analysis of the debate on the citizenship of people of African origin and descent is found in James F. King, "The colored castes and American Representation in the Cortes of Cadiz," *Hispanic American Historical Review* 33 No. 1 (1953) and Lasso, *Myths*, Ch. 3;
[2] Quoted by Lasso, *Myths*, 43.

to make claims throughout the colonial era, became thus incorporated into the language of imperial politics, giving ground to political exclusion. This exclusion, however, was articulated within a quite different historical context, one that was marked by the boom of liberal thought, changes in the political imaginary and vocabulary, the Napoleonic invasion of Spain (1808) and the imprisonment of king Ferdinand VII.

This episode is extremely rich and illustrative of this dissertation's overarching argument. First, it underlines the importance corporative acknowledgment carried for Spanish subjects not only at the local or regional but also at the imperial level, and, conversely, the negative effects that its non-recognition could bring about. Lack of acknowledgment as a corporate collectivity made it harder for Africans and their descendants to address claims to the authorities, to incorporate claims into the general petitions of the "El Común," and, more generally, to gain citizenship and a voice in the reconfiguration of the Spanish empire.

Secondly, this episode shows the ways in which Spanish liberal thinkers, who were seeking to disarticulate corporate politics and privileges, appealed to an argument that was corporative in nature.[3] In this sense, this episode prefigures the role corporative politics would continue to play in the new republics, shaping political lives and political participation and, more accurately, shaping the relation between national states and its citizens.

Recent scholarship on the Age of Revolution has shown how the politics of Indians and slaves during the wars of independence were "socially embedded and deeply tied" to their colonial legal identities.[4] They have also stressed the importance of exploring the

[3] Duve, "El privilegio," 29
[4] Echeverri, *Indian and Slave*, 12.

subsistence and reinterpretation of "diverse cultural, discursive, and institutional elements of the so-called 'Old Regime'" following independence.[5] I argue, likewise, that legal identities, as well as cultural and discursive elements of a corporative and jurisdictional character that were developed during the colonial period, became a central feature of the political culture of free people of African descent. It is necessary, then, to asses the extent to which these elements continued to shape the ways in which people of African descent imagined and framed their relation to the national governments.

A political juncture that offers an excellent opportunity to explore these continuities is the independence period. Scholarship on enslaved and free people of African descent's politics during the Spanish American revolutionary wars has accomplished a huge achievement by exposing the key and active role this population played during the wars and in the first decades of the new nations' history. However, enslaved and free people of African descent's political notions and actions have been read mostly through the lens of political modernity, particularly a teleological understanding of it.[6] More specifically, these people's notions and actions have been assessed in terms of their commitment towards legal equality (with commitment understood only as an open and explicit opposition to the existence of *casta* categories) and of their campaigns for general freedom for the enslaved (understood as the explicit request of total abolition of slavery).[7] The engagement of free people with liberal notions of equality and freedom was, without doubt, key in providing new tools and opportunities for the articulation of their political claims.[8] However, the stress on modernity has led to views that see the actions of free people as a failure, insofar

[5] Fernández Sebastián, *Diccionario* and Beatriz Rojas, Los privilegios.
[6] For a critic on teleological views on political modernity see Fernández Sebastián, *Diccionario.*
[7] Helg, *Liberty & Equality*.
[8] Towsend, "Half my Body Free."

as they did not succeed in eliminating the *casta* designations and did not team up with slaves to request the end of slavery. There were political links between slaves and free people, during the colonial period and its necessary to further explore how these alliances played out during the independence and after.

The cases analyzed here invite us to reconsider these historiographical expectations. On one hand, the meaning of difference for colonial subjects had a connotation differing from modern ideas of equality. On the other hand, the collaboration between enslaved and free people has to be asses more carefully. They did act together on many occasions and their interests converged in many ways, as seen in Chapters 4 and 5.

What role did difference and corporate identification play, then, during the independence? The paradigmatic case in Colombia to analyze free people's actions has been Cartagena's independence. On November 11, 1810, Cartagena's cabildo declared absolute independence from Spain and redacted a constitution of the new state,[9] finally approved in 1812. This constitution, the first one in the former territory of New Granada, granted citizenship to all free men. In a period of three years, the *cabildos* of the other provinces of New Granada declared independence and enacted similar constitutions declaring citizenship to all free men.

In 1814 the Spanish Reconquista army, however, arrived to Venezuela and in 1815 laid siege to Cartagena, rejecting the constitution and devastating the city. After seven years of war, and after liberating Caracas, Cartagena, Popayán and Santa Marta, a newly elected congress reassembled in the city of Cúcuta and drafted a new constitution for the recently

[9] The name the previous colonial provinces were given in the republican era was *Estados*.

liberated nations that came to form the Great Colombia. The new constitution, signed on August 30, 1821,[10] reaffirmed equality for all Colombians.

Scholars have shown how the inclusion of the equality clause was a direct result of the pressure free people of African descent exerted over the creole elites.[11] Yet, new constitutions also established a series of conditions that in practice ended up excluding a majority of this population from political participation. Citizenship, on one hand, was restricted to free men, excluding, thus, enslaved people. The right to vote and to hold public office was limited to men with property. Scholars of Caribbean independence have placed restrictions at the heart of the political division among free people of African descent that would come about in the republic. One consequence, they argued, was that those men of African descent who did meet the conditions established in the constitution, disassociated their cause from those whose "civil rights" were denied, such as poor of African descent, slaves, and women.[12] More than a consequence of republican constitutions, this division, however, might be better assessed taking into the account the long-term divisory practices of the Spanish Empire, best articulated in the refusal to acknowledge people of African descent a corporate status. As the cases analyzed throughout this text have revealed, the Spanish crown fostered a relationship with its vassals of African descent that produced division among them. The Crown did grant rights and privileges to people of African descent, however, it did it on an individual base, considering each case, and systematically denied the possibility to grant rights collectivity.

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[10] This is known as the first constitution of Colombia, and lasted until the dissolution of Gran Colombia in 1831.
[11] Múnera, *El Fracaso*: Lasso, *Myths*;
[12] Aline Helg, "Construyendo la nación. Nacionalismo, agencia subalterna y conflicto 'racial,'" in *Los 'otros' de las independencias, los 'otros' de la nación. Participación de la población afrodescendiente e indígena en las independencias del Nuevo Reino de Granada, Chile y Haití*, ed. María Eugenia Chaves. (Bogotá: Universidad Nacional de Colombia, 2015).

Republican constitutions have also been seen as being at the heart of the disarticulation of corporative identities among free people. According to Aline Helg, as militias organized along "racial lines" were abolished, so too did any remainder of previous corporate identity. According to this view, the vanishing of corporate identity would explain why even when free people united around "their leader's messages of independence and equality", they did not question the prevalence of "racial categories" in identifying people.[13] However, studies on colonial militias have shown that corporate identity based on militia membership permeated the whole community of people of African descent in many ways.[14] Along this line, the cases analyzed here demonstrate that corporate identifications were not only tied to the militias but to other occupations such as employees of the royal offices and also informed the ways in which individuals, engaged with other activities such as trade, claimed their membership to the body politic. In other words, the corporate character was more than an institutional design, was a deep-rooted and widespread way imagining the political community. The corporative component then, was an integral part of the political culture of the subaltern groups.

By shifting previous focus on military participation towards other forms of political actions, this work also recast previous interpretations of the Age of Revolution that implicitly assumed that free blacks only became politicized when conflicts between elites offered the opportunity, and their political involvement was explained by virtue only of their demographic weight and previous military experience (their relevance, in other words, as potential militia recruits for organizing big armies). This work shows that free people

[13] Helg, "Construyendo la nación."
[14] Ben Vinson, *Bearing Arms*.

developed a deep-rooted tradition of legal and political participation well before the Independence.

Another significant political event in the history of Colombia -one that occurred almost 200 hundred years after the country's independence, but that still draws attention to long-term history of the legal identities of people of African descent - was the signing of a new constitution in 1991. This constitution provided a special jurisdiction to black communities, granting them two seats in the Congress and recognizing the country as multicultural and pluriethnic. In this process, black communities followed the model by which indigenous populations became incorporated into the national state, which was, in many ways, corporative. At the same time, indigenous representatives criticized this attempt by arguing that black people "have never been people o "a community" (*pueblo*)," alluding to the fact that they have never been acknowledged as a separate community. Does this represent a survival of corporate elements in the configuration of the Colombian state and its relation with citizens? Raising such question implies rethinking the long-term history of the relation between black people and the state.

Colombia has one of the largest Afro-descendant populations in Latin America and has recently witnessed the multiplication and strengthening of black social and political movements that revolve around issues of human rights, racial discrimination, and land rights.[15] Studies on the cultural politics of blackness in Colombia in the twentieth and twenty-first centuries have revealed the ways in which black communities have been able to carve out spaces of political participation for themselves. They have also explored how these spaces were negotiated with and shaped by the particular characteristics of that state.

[15] Peter Wade, "The Cultural Politics of Blackness in Colombia," *American Ethnologist: the Journal of the American Ethnological Society* 22 (1995): 341.

Among other questions, scholars have explored how black mobilization was shaped by a State "involved in redefining official representations of Colombia as a primarily mestizo nation".[16] In this sense it is clear that a study on black political participation in the long term must be build upon a deeper understanding of the nature of the Spanish state. I hope my dissertation will contribute toward an understanding of the long-duration history of political participation of black people in the history of Colombia and the Americas.

[16] Ibid.

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CURRICULUM VITAE

Katherine Bonil Gómez was born in Bogotá, Colombia. She received a B.A. in Anthropology (2000) and History (2001) and a M.A. in History (2008) from the Universidad de los Andes (Bogotá). Her master thesis explored the different and original ways in which colonial subjects and local authorities used *casta* categories in their everyday interactions in colonial Colombia. Her work was published as a book in 2012. Her doctoral dissertation examines the political culture of free people of African descent in eighteenth-century Colombia. Her research explores the ways in which free persons of African descent were incorporated to the Hispanic monarchy, the ways in which they understood, claimed and negotiated this membership, and how, in this process, they constituted themselves as political subjects.

She has received fellowships from the Universidad de los Andes (Colombia), the Johns Hopkins University, the John Carter Brown Library, and the Colombian Institute of Anthropology and History (ICANH). She has presented numerous papers in international conferences.